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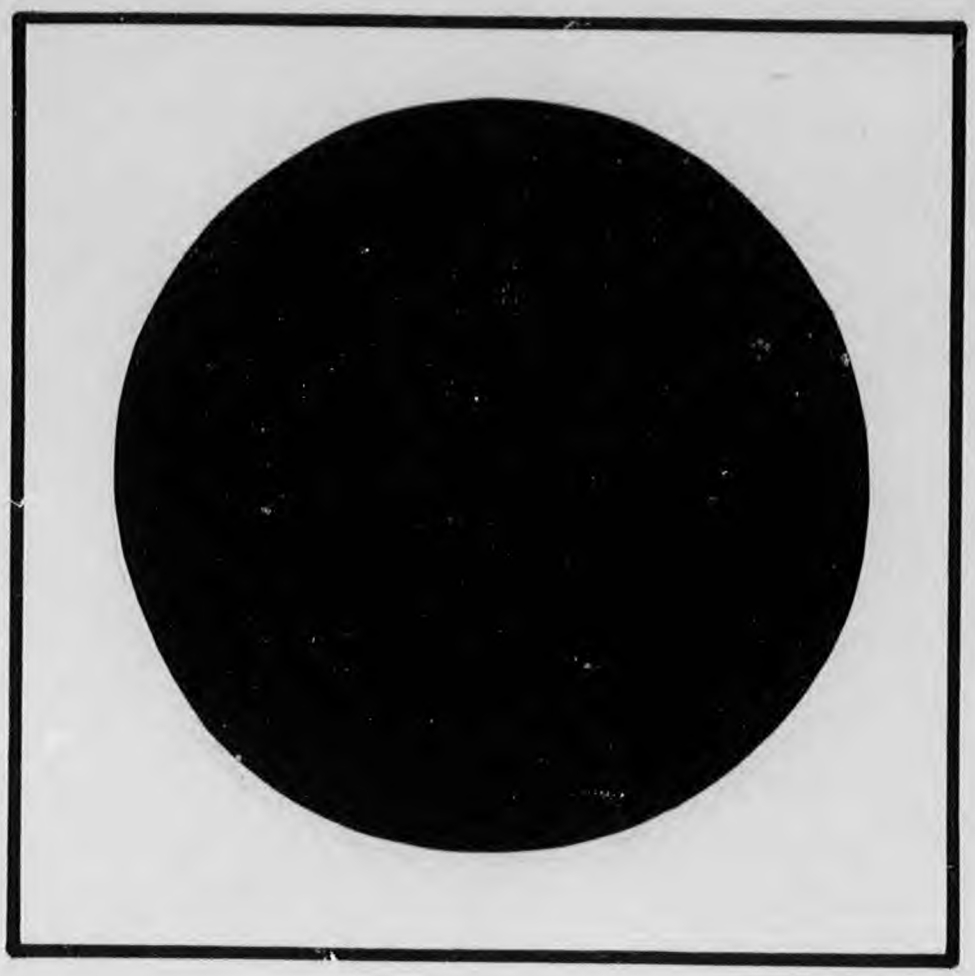

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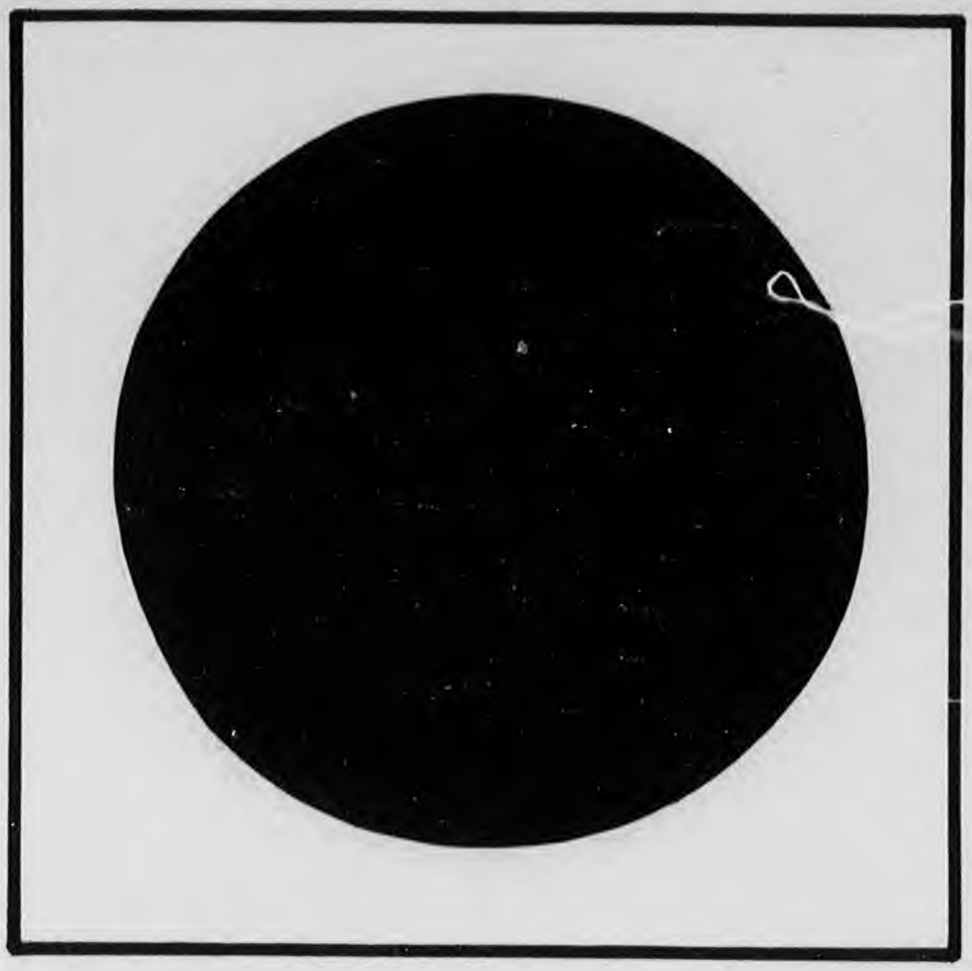

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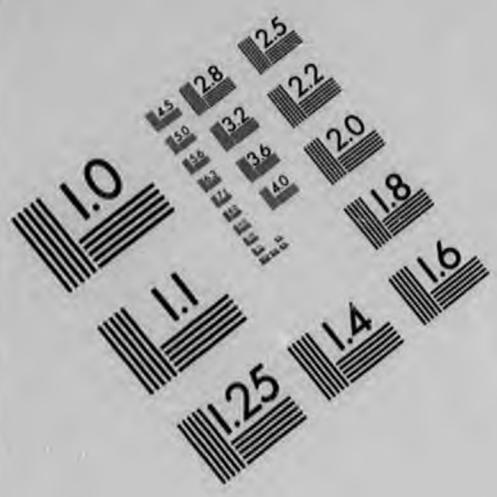

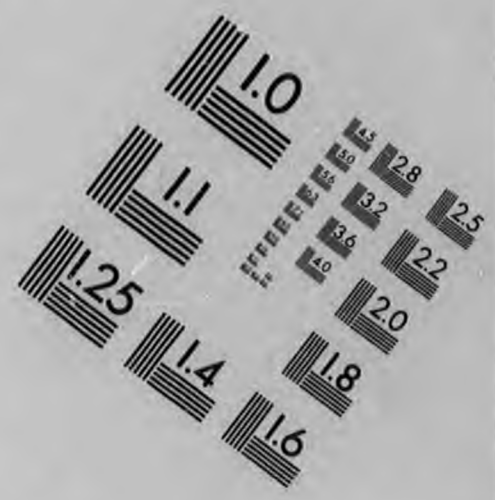

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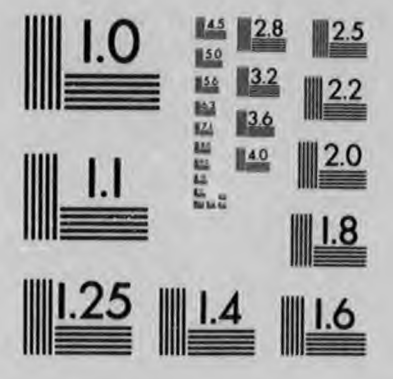

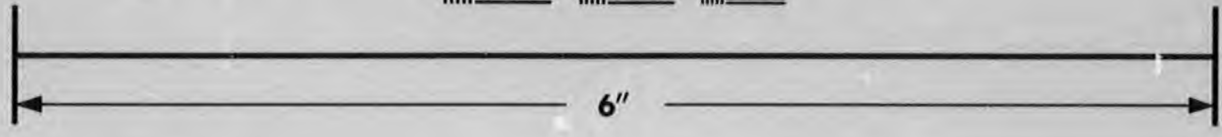

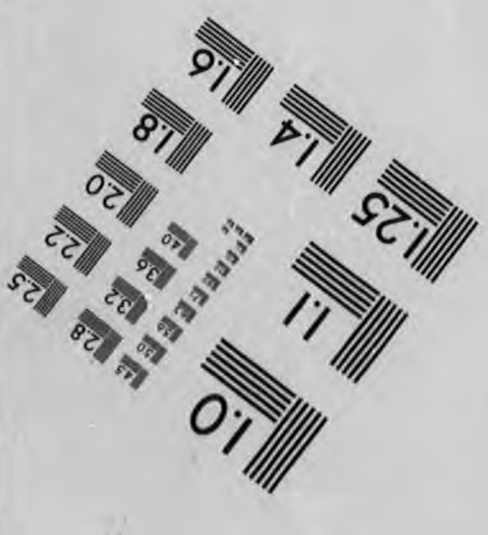

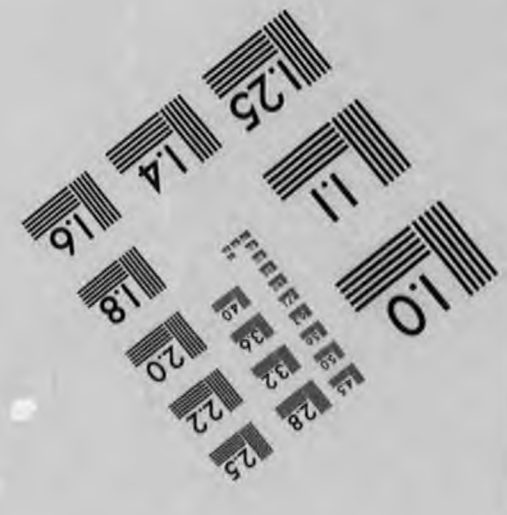

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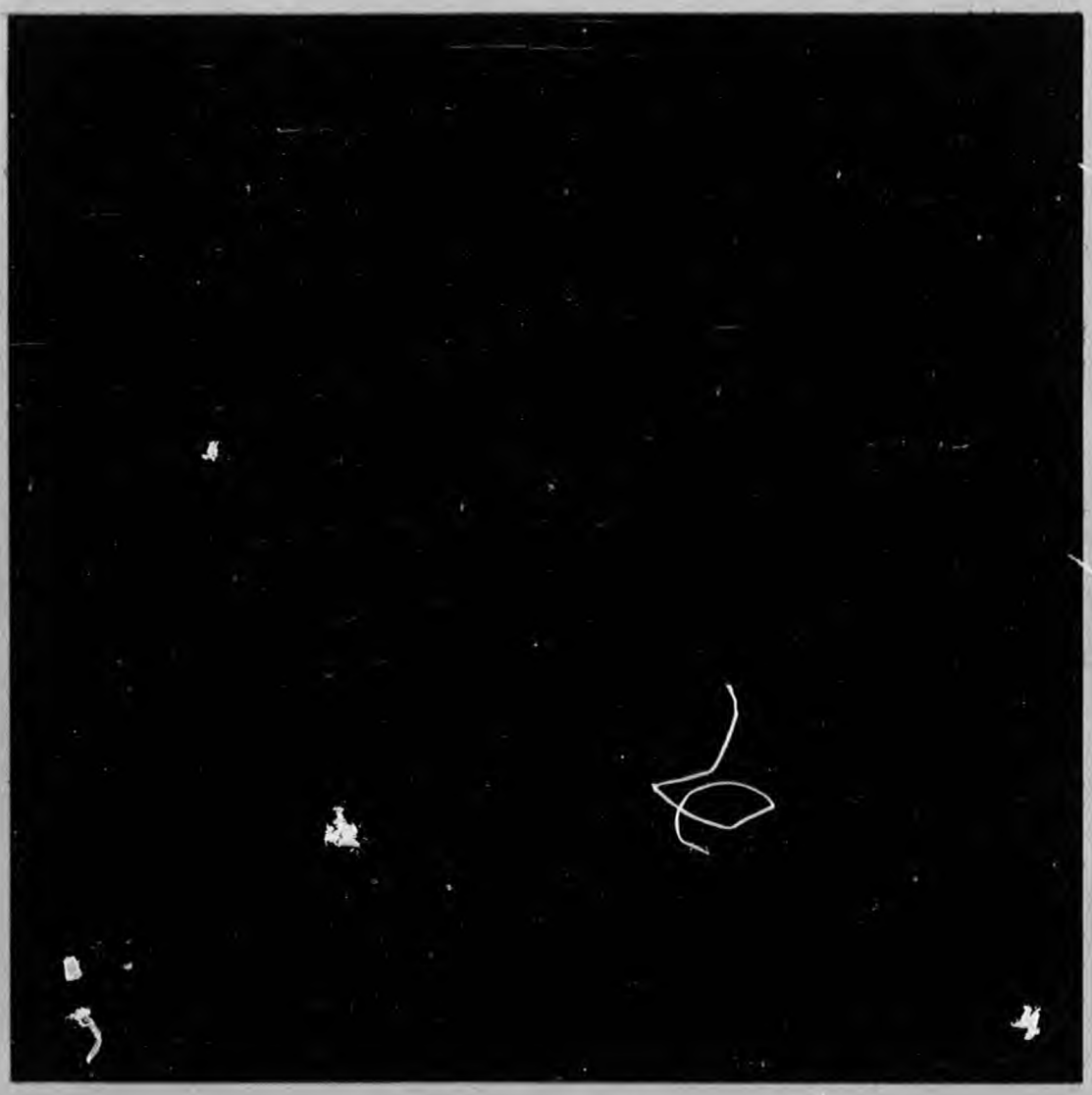

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XIV

PAGES 1811 TO 1945

MANILA, P. I.

DATE 17 January 1946

COPY No. 13

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
17 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter
FIRST LIEUTENANT CHARLES F. HUSTON, AGD

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN

I N D E X

WITNESSES

	DIRECT	CROSS	REDI	RECR	COMMISSION
Antonio Cuna	1811	1816	1822		1821-22
Nena Alban	1823	1829			
Rosalino Aurora	1849	1856			1858
Benedicto Coronel	1858	1861			
Jose Abad Santos, Jr.	1862	1874	1881		1882
Salvador Abad Santos	1882	1884	1887		
Eladio De Leon	1888	1894			
Dominador Jimenez	1899	1901			
Felisa Cu Loo	1904	1914			
Gaston Willoquet	1918	1923			
Pelagio Reyes	1928				
Ignacio Santos	1932	1935	1938		1937
Matsudo Junjo	1939				

EXHIBITS

PROSECUTION EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
373	1848	1848
374	1848	1849
375	1863	1864
376	1863	1864
377	1863	1864
378	1889	1889
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392	1924	1925
393-397	1928	1928
398	1930	1931

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with three members of Defense counsel. The Prosecution is present and we are ready to proceed.

ANTONIO CUNA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

COLONEL LIM: Sir, we are still proceeding under Specification No. 46.

Q (By Colonel Lim) Will you state your name?

A Antonio Cuna.

Q Your age?

A Twenty-four, sir.

Q Your nationality?

A Filipino.

Q What is your rank and station?

A Second lieutenant, Camp Murphy, First Provisional Battalion.

Q During the months of June and July, 1942, where were you living?

A I was living at 224 Legarda Street, in Manila.

Q Was your place near the San Beda College?

A Yes, sir.

Q Showing you the sketch that has been identified in the record as Prosecution's Exhibit No. 372, kindly state to the Commission whether or not you can indicate on that

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Q Was your place near the San Beda College?

A Yes, sir.

Q Showing you the sketch that has been identified in the record as Prosecution's Exhibit No. 372, kindly state to the Commission whether or not you can indicate on that

sketch the place where your house was located during the months of June and July, 1942.

A Our house was just where the square is marked "C".

Q Your house was adjoining that of Doctor Jose M. Delgado?

A Yes, sir.

Q Do you remember having witnessed any atrocities committed by the Japanese at San Beda during the months of June and July of 1942?

A During the month of July I witnessed some atrocities.

Q Will you relate them to the Commission?

A Well, the first week of July, one morning at around eleven o'clock, I was called by my small sister, my young sister, who told me there was some Japanese soldiers with prisoners, Filipino prisoners, just behind our house; that means on the grounds of the San Beda College, around 30 yards from the creek, the creek that separates our house from the San Beda College.

I saw five Filipino prisoners with their hands tied behind their back. Before they came over there they were told to dig, and after digging, their hands were tied behind their backs.

I saw some Japanese officers, and one of them had a sword and was practicing in the motion of playing golf.

So the next thing I saw was one of the prisoners with his hands tied behind his back was told to kneel before the hole which they have dug. Then they blindfolded his eyes. He was told to kneel with his head bent down.

down. This Japanese officer, with his sword, came near this Filipino prisoner, and he was aiming at the neck of the Filipino prisoner. He made around three practice swings, and the next thing I saw he just slashed the neck of the Filipino prisoner.

The Japanese soldier who was holding the rope which was tied around the body, pulled the Filipino's body into the hole, and this Japanese officer with his sword, he got a handkerchief out and he wiped it, and they all start laughing.

Then the next Filipino prisoner was called to do the same thing. He was told to kneel and do the same thing as the first prisoner, and another officer got his sword and went across to the Filipino prisoner and he did the same thing as the first officer.

Then the next prisoner, the third one, was told to do the same thing, and on this incident, this officer that hit the neck of the Filipino didn't hit it just right, so he had to do it two times, and all the four were executed that way.

Later on the hole was covered.

Q Were the five Filipinos killed in the same manner?

A Yes, sir.

Q Do you remember of any other incident besides this, that you have witnessed personally?

A Well, I saw another atrocity, just the same as the first time I saw. It was in the third week of July, sir.

Q July?

A I was coming home from basketball game around six

o'clock in the afternoon, when my kid brother told me that, "Manoy, merong na naman papatain" -- that is my younger brother's name for "older brother" -- he said that there is another execution to be done.

Q Did you see this execution yourself?

A Yes, sir.

Q What did you see?

A Well, it was one Filipino who was out there, around four, or around three officers and some soldiers.

Q Of what Army?

A The Japanese Army, sir. And they brought the prisoner to the hole, which I did not see, they were digging, but this Filipino tried to escape when he was about to be executed, because his foot was not tied; it was only his hands. He tried to run around 10 yards, but he was caught by the soldiers, one holding a rifle with a fixed bayonet. But he was hit by the first one -- the first one who hit him was the Japanese soldier who was holding a shovel, who hit him, and the prisoner fell down; and when all the other soldiers came they each gave him a blow --

Q With what?

A With the shovels that they were holding. And the Japanese soldiers who was supposed to be the sentry, or the guard, thrust him with a bayonet, But inspite of that, the Filipino was not killed.

They brought him to the hole, and I could hear him shouting, "Patawarin ninyo ako, hindi ako nag nakau!" Meaning, "Please forgive me; I did not steal!"

Q Where was the victim all this time when he was

shouting this way?

A He was already in the hole.

Q Inside the hole?

A Inside the hole.

Q Go ahead, please.

A And the soldiers who were around with the shovels started covering the body, and the prisoner, Filipino prisoner, started -- still continued shouting the same thing, and then you could notice that his voice was fading little by little. And when the body was entirely covered this Japanese with his rifle and a bayonet started thrusting in the ground, aiming at any place where he could hit the prisoner. It was almost dark. This Japanese left the place.

Q Do you remember of any other atrocity witnessed by you, aside from these two?

A Well, the next atrocity I have seen was the putting of three Filipinos in stock --

Q When was this?

A It was around the last Sunday of July. I remember it was Sunday, because I was on my way to church.

Q All right. You said that you saw three Filipinos held in stock. Would you explain what that means?

A Well, they were held in stock by means of four wood. Two wood are connected to each other; the wood that was holding their wrists had six holes. Two holes was used for one person, which was placed on his wrists, and the two other holes was for another prisoner, and their hands were extended and another stock was placed on their neck,

with three bigger holes which were just exactly for their neck. And they were placed in the gate, the leftmost gate, if you are facing San Beda College, the way going to the swimming pool, in front of that sentry; and I could see the sentry start picking up stones and throwing the stones to these prisoners, whenever they happened to lower their hands. And I could see these Filipinos already bleeding.

And every time more civilians pass, this sentry would start showing off, as if he was showing the civilians that he was punishing these prisoners. And if there were some soldiers passed by, if they feel like hitting these prisoners. they just hit him -- or hit them, sometimes with a rifle, rifle butts; they give them a bust.

Q Did you see them again after that morning of Sunday?

A Well, they stayed there until late in the afternoon, and the next morning I have seen them displayed in that same place.

Q Could you identify or recognize this Japanese who you saw killing or torturing these Filipinos?

A No, sir.

Q Do you know the names of the Filipinos who were killed or tortured?

A No, sir.

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) You pointed out on this map your home. Were you in your home when you witnessed this first execution?

A Yes, sir.

Q What part of your home were you in?

A I was at the back window of my room.

Q Is the house from which you viewed this atrocity still standing?

A No, sir; it is already burned.

Q There is another house there now?

A Beg your pardon, sir?

Q There is another house there now?

A Well, --

Q In other words, the house is no longer standing?

A No more, sir, but there are some shacks built there.

Q Was your room on the first or the second floor?

A On the second floor, sir.

Q What insignia of rank does a Japanese captain wear?

A A captain, sir?

Q A Japanese captain, a captain of the Japanese Army, what insignia of rank does he wear?

A It is distinguished by a sort of a ribbon, I think. It looks like a ribbon to me, sir.

Q Where does he wear it?

A Beg your pardon, sir?

Q Where does he wear it?

A I don't quite remember the place. I am mixed up. I think it was on the breast here, sir.

Q You say he wears it on his breast?

A No; here, sir (indicating).

COLONEL LIM: If the Commission please, --

GENERAL DONOVAN: Not now; let him finish.

Q (By Captain Coder) What was the rank of the officer

which you saw at the time of the execution?

GENERAL DONOVAN: If you have an objection, make it now.

COLONEL LIM: It was not an objection. I was going to state that the record may show the witness indicated his collar, which does not appear in the record.

GENERAL DONOVAN: All right.

A I didn't know what rank he carried, because the collar could not be noticed.

Q (By Captain Coder) You say the collars could not be noticed?

A That is right, sir.

Q How did you know they were officers if their collars could not be noticed?

A They were wearing a sword on the side.

Q Does that necessarily make a Japanese an officer, if he wears a sword?

A Well, as far as I know, sir.

Q In other words, you don't know whether it does or not, is that right?

A Yes, sir.

Q Now, the second execution which you witnessed, what time of day did that occur?

A It was in the afternoon, sir.

Q How late in the afternoon?

A Around six o'clock in the afternoon, sir.

Q How many Japanese were present at this time?

A More or less there were around 15 to 20, sir.

Q Fifteen to twenty?

A Yes, sir.

Q How many of those were officers, or do you know if any of them were officers?

A More or less around four, sir.

Q Four were?

A Yes.

Q Do you know they were officers, or do you think they were officers?

A Which I thought were officers, because they had swords.

Q Four men with swords, in other words?

A Yes, sir.

Q These three prisoners, or two prisoners, that you saw in the stock --

A In the stock, yes. There were three Filipinos.

Q How many Japanese were present at that time?

A They were being guarded by a sentry who was just in front of the cage. There were some Japanese soldiers who entered the gate and had gone out, sir.

Q Were there any crowds of Filipino civilians close by there?

A On the Mendiola Road, on the way to church, yes.

Q How many civilians were around there? Just give us a rough estimate of how many, if you can.

A More or less around, passersby, that was going on the way to church --

Q Had any of them paused there to observe this, or were they just walking by?

A They stopped where they were.

Q You and other passersby?

A Yes.

Q How long did you stay there?

A I stayed there for around two minutes.

Q How about the rest of them? Were a lot of them watching around there, or just pausing and going on?

A Some of them stayed behind, but I could not stand it myself.

Q Were they sympathetic towards the men in the stock, or were they derisive?

A You could notice on the faces of the Filipinos that they were all murmuring.

Q There is one point I would like to get straight. You testified that during the time of these executions you lived at 224 San Palo Street?

A No; Legarda Street.

Q That is what I wanted to get straightened out. How long have you been in the Philippine Army, Lieutenant?

A I have been a Reservist before the war, sir. I wasn't called to active duty. We were told to stay behind.

Q What were you doing in 1941, during the time of this execution or these executions?

A In 1941 I was stationed -- no; I was staying idle, sir.

Q You were not doing anything?

A No.

COLONEL LIM: It was not in 1941. 1942 is the date.

CAPTAIN CODER: Yes; 1942.

Q (By Captain Coder) In 1942 what were you doing?

A I was just idle, sir.

Q How long did you remain idle?

COLONEL LIM: That is immaterial, sir.

A Around to the end of 1942, sir, when my father and I had to run a business, sir.

Q (By Captain Coder) I see. When did you come on active duty with the Philippine Army?

A 1943, sir.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Any questions by the Commission?

GENERAL TRUDEAU: Yes.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) Do you know what the buildings around the grounds of the San Beda College were used for by the Japanese?

A I beg your pardon?

Q Do you know what the buildings around the grounds of the San Beda College were used for by the Japanese?

A Yes, sir.

Q What for?

A When they first occupied the place, that was in January, they used it as a resting place. Sometimes some soldiers would just stay there for a few days and then leave again, and then another group will come in, but around the month of May we heard that it was being used as a prison place, a prison house.

Q Is that what it was being used for at the time of these executions?

A Yes, sir.

GENERAL TRUDEAU: That is all.

Q (By General Valdes) You said you were called to active duty in 1943?

A Yes, sir.

Q There was no Filipino Army in 1943.

A I was with the A.I.B., sir.

GENERAL VALDES: Nothing further.

COLONEL LIM: May I ask a question?

GENERAL DONOVAN: Yes.

REDIRECT EXAMINATION

Q (By Colonel Lim) May I know the meaning of the letters "A.I.B."?

A Allied Intelligence Bureau.

COLONEL LIM: That is all I have of the witness.

GENERAL McNAUGHT: I have some questions.

FURTHER EXAMINATION BY THE COMMISSION

Q (By General McNaught) Lieutenant, do you remember if Japanese officers and enlisted men on duty in Manila in 1942 customarily, both officers and enlisted men, wore the same type of uniform?

A May I have the question again, sir?

Q During 1942, do you remember whether or not officers of the Japanese Army and enlisted men of the Japanese Army normally wore the same type of uniform?

A Well, they didn't wear the same type, sir.

Q There was a marked difference between them?

A Sometimes they were wearing, I think it was a fatigue uniform. Sometimes they were wearing their dress

uniforms.

Q I mean, were the officers' uniforms the same as the enlisted men's, or was there a difference?

A There was a difference, sir.

Q Marked enough so you could normally tell?

A Yes; they were wearing sort of an olive green uniform.

GENERAL McNAUGHT: That is all.

CAPTAIN CODER: I have nothing further.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

NENA ALBAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Colonel Lim) Please state your name.

A I am Mrs. Nena Alban.

Q Your age?

A Forty years old.

Q Your nationality?

A Filipino, sir.

Q What is your profession?

A A nurse, sir.

Q Were you working in 1941?

A Yes, sir.

Q As what?

A As a social worker.

Q For what organization?

A The American and Philippine Red Cross.

Q In 1942, during the months of June and July, where were you living?

A I was in Sampaloc, at the Modern Maternity and Childrens' Hospital.

Q At what?

A The supervising nurse.

Q Showing you this Prosecution's Exhibit 372, can you state whether or not you can identify the specific place where your hospital was located at the time?

A Yes.

Q Will you indicate the place?

A This is the hospital (indicating).

COLONEL LIM: The witness indicated a square on the north side of the sketch, Prosecution's Exhibit No. 372, the Sampaloc Maternity and Childrens Hospital.

Q (By Colonel Lim) During the months of June and July, 1942, did you know that the Japanese Army was occupying the grounds of the San Beda College?

A Yes, sir.

Q How far was the building of the hospital from the grounds of the San Beda College?

A More or less 60 meters from the place where, at the back of the hospital.

Q Was that across the creek?

A Yes, sir.

Q Do you remember having seen atrocities committed by the Japanese Army?

A Yes, sir, I do.

Q Would you relate them to the Commission?

A Yes, sir.

Q Go ahead, please.

A The first afternoon I saw four Filipinos were made to kneel right at the edge of the creek and beheaded, and the bodies fell into the creek.

Q How many Filipinos did you say?

A Four Filipinos.

Q Who beheaded the Filipinos?

A The Japanese soldiers.

Q Did you see anything else?

A And the next one I saw were two Filipinos were beheaded at the same position, but just very near to the place where the first time I saw.

Q Go ahead.

A And the next one I saw were more or less seven Filipinos who were made to kneel on the bar across the hole in the ground and beheaded, and the body fell right inside the hole.

Q Who beheaded these seven Filipinos, more or less?

A The Japanese soldiers.

Q Did you witness any other atrocities?

A I saw ten Filipinos were standing inside of the pit, and the soldiers beheaded them, the Japanese soldiers.

Q What else?

A And I saw four Filipinos were killed by judo. The Japanese soldiers took ahold of the feet of the victims and struck the head right on the concrete pavement.

Q Was the Filipino killed?

A Yes, sir; and the body thrown into the creek after

they were killed.

Q Go ahead.

A And I saw other atrocities. The Filipinos were tortured, boxed, kicked, beaten by a business of heavy wood, heavy sticks, until they were flat on the ground, and I have not seen them move again. All by the Japanese.

COLONEL LIM: What was that last?

(Answer read.)

Q (By Colonel Lim) What else?

A I saw more or less 20 Filipinos who were tied up right in front of San Beda, and they were kicked, boxed, tortured in different ways, beaten by the barbed wires, and all the bodies of the victims were bleeding. When they pretend to scream or to cry, they were boxed right on the back of the head, and they were placed under the very hot sun.

Q Do you remember of any other atrocities witnessed by you?

A Yes, I know so many.

Q Go ahead, please.

A Another group of Filipinos were placed under the sun and boxed right in the stomach, were beaten, were kicked, slapped, and when they were already sleeping the Japanese had a pail of water and poured the water right from the head of the victims to the foot.

Q Anything else?

A Yes, sir. Four Filipinos were killed right by the side of San Beda College, bayoneting them until they were killed. Then one Filipino --

GENERAL DONOVAN: Is this all during the period covered by the specification?

COLONEL LIM: Yes, sir.

Q (By Colonel Lim) Was this all during the period of June and July?

A 1942.

Q June and July?

A That is between June and the last week of July, 1942.

Q Go ahead.

A Two Filipinos hanging from the tree. The leg was tied with a chain, tightly, and every Japanese soldiers that passed by, they boxed the victims until he was dying.

Q You mean this Filipino hanging from the tree?

A Yes, sir, and right near the gate.

GENERAL DONOVAN: What does she mean by "boxed"?

Q (By Colonel Lim) What do you mean by "boxed"?

A Box, like boxing (demonstrating).

GENERAL DONOVAN: With the fist?

Q (By Colonel Lim) With the fists? Hit by the fists?

A Yes, different parts of the body; the head and all the parts of his body, by the Japanese soldiers.

Q Anything else, Mrs. Alban?

A Another two Filipinos were tortured heavily in different kinds of torturing, and when they were already helpless they were bayoneted and they were killed, right at the side of San Beda, near the bridge of Mendiola.

Q Any other atrocities?

A And another six Filipino victims were tied under the

sun, very hot sun, and they were beaten with heavy wood and kicked, slapped, boxed right on the head, and pushing them against the barbed wires fence, and all of their backs were bleeding.

Q Did these Filipinos wear a shirt at the time?

A They were naked, sir.

Q They had pants?

A They had just underwear -- what do you call it -- drawers, something like that.

Q Did you see Filipinos in a stock?

A Yes, sir, they were in the stock.

Q Where?

A They were in the stock right in front of San Beda.

Q What happened to these Filipinos?

A Well, they were held in the stock by the leg, group by group. They were in two groups. There were six Filipinos. And while they were held in the stock their hands were held also with heavy stock, and they were boxed, they were pushed --

COLONEL LIM: They were what?

THE REPORTER: "Pushed."

A (Continuing) They were pushed back against the fence, barbed wire, and they were burned with the burning tips of the cigarettes, and I saw burning piece of wood put under the armpit of Rosalino Aurora, one of the victims.

Q (By Colonel Lim) What else, Mrs. Alban?

A And another two Filipinos were beaten, were pushed in the ground, kicked by the Japanese officer, and then

when they were already dying, so helpless they could hardly move, they were bayoneted. And one of them was Remigio Reyes.

Q Do you remember of the case of Filipinos whose eyes were bayoneted?

A Yes.

Q Would you relate that incident?

A There were nine or more tied up right almost near the corner of Mendiola and Tuberias Street, and they were bayoneted right through the eyes, side by side.

Q Who did this bayoneting?

A The Japanese soldiers.

Q Did you ever witness the use of pliers by the Japanese?

A Yes, sir.

Q In what instance?

A The victims, the Filipino victims, were tied up and made to kneel right in front of the San Beda College building --

Q How many Filipinos?

A More or less seven.

Q Seven Filipinos?

A And their tongues were pulled out by the help of the pliers, and I saw the tongues hanging up to the chest.

Q Did you see these Filipinos alive again?

A No, sir.

COLONEL LIM: That is all with the witness.

CROSS EXAMINATION

Q (By Captain Coder) Where do you live?

A At present, sir?

Q Where did you live?

A I was in Sampaloc Modern Maternity during those months and year.

Q This is in June and July of 1942?

A I was in Sampaloc Modern Maternity, Childrens Hospital.

Q Did you live there all the time?

A Yes, sir.

Q What were your hours of work at the hospital?

A I beg your pardon?

Q What were your hours of work?

A Well, I did not have any fixed hours, because I stayed there all the times, and I worked most of the times, because I was supervising nurse, had to supervise day and night.

CAPTAIN CODER: I don't believe I got all of that.

GENERAL DONOVAN: Read the answer.

(Answer read.)

Q (By Captain Coder) What did your duties consist of, as supervising nurse? Just what did you do?

A Well, I had to go around in the hospital, around the buildings, and supervise the cleaning, supervise that the work of the hospital had been done correctly, and neatness, and see if the patients were taken good care by the attendants, and those people who work under me.

Q Did you also do paper work, that is, administrative work there at the hospital?

A Yes, sir; and I had an assistant to do the work for me.

Q You had an assistant?

A While I was going around.

Q You had an assistant while you were away?

A Yes, sir; while I was supervising around the building I had an assistant to do the office work for me.

Q About how much time did you spend sleeping?

A Beg pardon?

Q About how much time did you spend sleeping?

A Sometimes, when we had many patients, especially when we had delivery cases, I slept just very few hours.

Q All the rest of the time you had to work?

A Yes, because I was the only graduate nurse in that hospital.

Q About how often did you go out of the hospital?

A Oh, sometimes just once a week, sometimes nothing.

Q Sometimes just once a week, and sometimes not at all?

A Yes, sir. That was in June, sir. In July I used to go around -- I mean to say, I used to go out just to have a chance of air, because we didn't have many patients in July, so I had to go around out of the hospital.

Q How many nurses or how many employees did you have under you?

A I beg your pardon?

Q How many employees or nurses did you have working for you?

A I was the only nurse in that hospital. I think there were others, I had other attendants working for me, but not nurses. There were 17.

Q Seventeen?

A Yes, sir.

Q Did you ever talk over with any of these attendants

these executions?

A No, sir.

Q You never talked about that?

A No, sir, because I was afraid they would tell it to the patients, and I did not want the patients to be scared.

Q Now, where were you when you viewed all these executions that you testified to? Let's go over it again. Can you tell me the date when it occurred and where you were when you saw it?

A At the first week of June I was right --

Q Not so fast. The first one was in June?

A The first week of June. I was right in the bathroom where there were holes that I could peek through, and I could see the atrocities.

Q Now, let's stop there a minute. What made you peek through the back door? What called your attention to the fact that anything was going on back there?

A Because the first thing I saw, the atrocities, I heard screaming right at the back of the yard, at San Beda, at the creek, and I peeped out, and I saw the victims were tortured and beheaded, and that is the first time I knew it.

Q All right, that is enough. Now, the second execution which you witnessed?

A I went to the back porch of the hospital.

Q What date was this?

A That was in June.

Q Was it after the first one, the second week of June?

A The second week of June.

these executions?

A No, sir.

Q You never talked about that?

A No, sir, because I was afraid they would tell it to the patients, and I did not want the patients to be scared.

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Q All right, that is enough. Now, the second execution which you witnessed?

A I went to the back porch of the hospital.

Q What date was this?

A That was in June.

Q Was it after the first one, the second week of June?

A The second week of June.

Q Go ahead.

A I was at the back porch of the hospital just to supervise whether the back porch was clean and everything was arranged.

Q Was anything else on the back porch at this time?

A No, sir; since I saw the first atrocity I won't let any attendants step out on the back porch but myself, because I was afraid they might really be bad for the patients. I was very careful of the patients.

Q You instructed everybody not to go out there?

A Yes, sir, not even the patients.

Q I thought you testified you didn't talk this over with anyone.

A I didn't tell them about the atrocities; I just told them, "Let me do the work in the back; let me do the work at the back. Don't try to step out."

Q All right, go ahead. You are on the back porch now.

A I was on the back porch at the first time I saw the atrocity, and since that time I used to go at the back, because I was the only one taking care of the back porch and the back of the hospital, and I saw these things happening.

Q Now, we have the second week of June. Now, the third time that you saw anything unusual happen was when?

A I was still on the back porch when I saw these Filipinos standing in the pit, because I pulled the mattress on the back porch that was used in the delivery case, to be aired out, and I saw that atrocity.

Q Now, how long did you stay on the back porch watching

this?

A When I saw those things, I kept myself in the bathroom and watched the happenings.

Q Now, how long a period of time did you stay there and watch?

A About a half-hour, sir, or more.

Q Now, the next one, what time did the next one take place, the next execution?

A That was about after lunch, something like that.

Q After what?

A In the middle of the day.

Q In the middle of August?

A In the middle of the day, in the part of July.

Q In the middle part of July?

A Part of July, sir, not in the middle. About the first week of July.

Q All right, I understand. Now, tell me all about that one.

A In the month of July I used to go out of the hospital, because we had only, sometimes we had only one, two, or three patients, and I could do the work, and I used to go out especially in the afternoon and to go in the calesa and go around from Sampaloc Maternity on Legarda, and go around Mendiola, and I saw the atrocities in front of the San Beda building.

Q Exactly what did you see on that occasion? Just relate that again.

A I saw four Filipinos tortured and bayoneted right by the side on the ground, by the side of the San Beda

College.

Q Now, will you indicate on this sketch, if you can do so, that is, if it is on the sketch, where you were standing when you saw this?

A Right here is the hospital. This is the back of the hospital, and this is the back part here. This is the bathroom (indicating).

Q Now, we are down to the atrocity in July. And where were you standing when you saw that?

A I used to go around here in the calesa, in here, and just as a passerby, go there, go this way and this way (indicating).

Q What I want you to indicate on this sketch is just where you were standing when you saw these people executed.

A I was here when I saw Filipino victims were bayoneted here, and then passing here with the calesa. Just going very slowly, because they prevented the horse from running fast, so I could see these things very well (indicating).

Q You did not stop there and look; you just kept passing by, is that correct?

A No, sir, because the Japanese ordered not to let the horse go very fast, and not to stop, either.

Q Were you riding on this occasion?

A I was riding in the calesa, sir.

Q In a what?

A In the calesa.

Q That is one of these two-wheeled carts, or carretelas?

College.

Q Now, will you indicate on this sketch, if you can do so, that is, if it is on the sketch, where you were standing when you saw this?

A Right here is the hospital. This is the back of the hospital, and this is the back part here. This is the bathroom (indicating).

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Q Were you riding on this occasion?

A I was riding in the calesa, sir.

Q In a what?

A In the calesa.

Q That is one of these two-wheeled carts, or carretelas?

A No; carrettela is different from a calesa. A calesa is just enough for three or two persons.

Q Did you ride in the back of this? Was the driver up in front?

A Yes.

Q Was there anybody else in there with you?

A Nobody, sir, but myself.

Q All right, proceed with what you saw. Go ahead and tell me what you saw.

A When I was there I saw Filipinos were tortured until they were killed.

Q How many Filipinos did you see tortured?

A Four Filipinos, and the next one I saw was two.

Q Let's go into this in detail. Were the Filipinos standing there, or what were they doing?

A They were standing, and when they were beaten they were flat on the ground and the Japanese grabbed them and let them stand up again, and then knocked them again, and then they fell. When they were helpless and they were not able to stand up again they were killed.

Q What happened after that?

A They were bayoneted; that is all I saw, sir.

Q That is all you saw?

A Yes.

Q Now, let's go to the next incident. About what part of the month was this, and what month?

A That was the third, almost the end of June or the first week of July, something like that.

Q Now, you mean the one you have just related was the

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A They were bayoneted; that is all I saw, sir.

Q That is all you saw?

A Yes.

Q Now, let's go to the next incident. About what part of the month was this, and what month?

A That was the third, almost the end of June or the first week of July, something like that.

Q Now, you mean the one you have just related was the

first week in July, or the one you are about to relate was the first week in July?

A I beg your pardon, sir?

Q The next incident which you observed, when did it occur, what month and what day, if you can think of it?

A That was the first week of July, two bayoneting cases, and the next one I was was a Filipino victim was hanging from the tree.

Q This happened the first week in July?

A Yes; that is the second week of July, that hanging from the tree.

Q The second week of July?

A Yes.

Q Go ahead.

A The Filipino victim was hanging from the tree, tied by the legs with the chains, and every Japanese that passed by beat the victims, boxed all the parts of the stomach, especially in the stomach.

Q Where were you when you saw this? In the hospital?

A No, sir; I was standing on the bridge.

Q And where was the Filipino at the tree? Here is the hospital, and here are some trees, down here (indicating). Where were you?

A I was here on the bridge. There were so many people here, and the tree was right here. This is the gate, because the tree was standing right near the gate, and every Japanese that passed by, going inside to torture the Filipino victims (indicating).

COLONEL LIM: Will the record show, sir, the witness

indicated in Prosecution's Exhibit 372, a portion indicated by the word "Bridge" and another figure meaning a tree, near the fence of the San Beda College, indicated by the letter "G", for gate.

Q (By Captain Coder) Now, are there other trees situated along this roadway?

A Yes, sir.

Q There are trees along through there?

A Yes; but I saw the hanging victims on the last tree from the bridge near the gate, the first gate of San Beda from the bridge.

Q About how far away from where the Filipino was hanging were you standing? How many meters?

A More or less five yards; I think something like that.

Q Five yards?

A Yes, because the bridge is very near to the gate of San Beda, more or less.

Q Well, I believe I misunderstood you. You say it is only five yards from the place where you were standing to the place where the Filipino is hanging?

A Yes, because here is the bridge (indicating).

Q And here is the gate (indicating)?

A Yes. I was right here, because there were so many people here (indicating), and had seen what the Japanese were doing to the hanging Filipinos, and some of the people who were looking were crying, and they wanted to scream.

Q Let's proceed to the next one that you witnessed.

A I saw some Filipinos held in the stock, by the neck,

right in front of the San Beda Building, facing the barbed wire. They were naked. They were tortured, slapped, burned with the burning tips of cigarettes, slapped and kicked and boxed right on the top of the head until the prisoners were so helpless they could not even lift up their heads.

Q Well, where were you when you saw this occur?

A I was passing by, sir. I was in the calesa.

Q Where were the Filipinos?

A Right here, sir; right here between the two gates, right here (indicating). I saw the Japanese torturing these victims, since I was here (indicating), and when I reached here (indicating), I turned here, and they were still doing the work.

Q About how many, how many Filipinos did you see?

A There were 20 Filipinos tied up against the fence there.

Q Against the fence?

A Yes.

Q How many Japanese?

A More or less 14 or 12, something like that.

Q Twelve or fourteen?

A Yes, sir. Of course, I did not count them all.

Q Now, did you witness anything further, any other extraordinary events?

A There were six Filipinos who were tied up under the sun right in front of San Beda Building, almost at the side, right almost by the side of the street, under the hot sun. They were tortured; they were --

Q Now, let us see if we can get where they were standing.

GENERAL DONOVAN: We will take a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with three members of Defense counsel. Prosecution is present and is ready to proceed.

Q (By Captain Coder) Now, I want to call your attention to the seven Filipinos who you testified you had seen bayoneted about the eyes.

A Yes, sir.

Q I want you to point out on this sketch where they were when this was occurring.

A The Filipinos bayoneted through the eyes, you mean to say, sir?

Q You must speak louder.

GENERAL DONOVAN: Read that last answer, please.

(Answer read.)

Q (By Captain Coder) That was my understanding of your testimony.

A Yes, sir. More or less nine Filipinos, victims, were tied up right almost near the corner of Mendiola and Tuberias Street, and bayoneted right in the eyes, side by side.

Q Is that on this sketch here?

A Yes, sir.

Q Where is that?

A Right here (indicating). This is Mendiola (indicating), and this is Tuberias (indicating); right at Tuberias near the corner of Mendiola.

Q Where were you --

COLONEL LIM: May the record show, sir, that --

GENERAL DONOVAN: Yes; the record will show --

COLONEL LIM (continuing): -- that she indicated --

GENERAL DONOVAN: Just a minute.

Will you just follow that as she indicates on the sketch, so we won't have to go through this every time?

Q (By Captain Coder) Now, where were you standing at the time you saw this?

A I was in a calesa. I was passing right on Mendiola Street, and when I reached here (indicating), there was a Japanese sentry here, and I ordered the cochero to let the horse go very slowly crossing Tuberias, so the cochero obeyed the order, and so we were going this way (indicating), we continued this way, and I look at the prisoners, because the sentry was not looking at us. And up to this place here (indicating) I could still see very well the victims.

Q Now, you say there were more or less nine Filipinos?

A Yes, sir.

Q Were they standing in line? Were they lined up?

A Yes; they were fall in line, were tied up at the hands behind them, and they were bayoneted right in the eyes through, side by side.

Q Just a minute. Were they lined up along Tuberias Street?

A Yes, sir.

Q Parallel with Tuberias Street?

A From here (indicating), from near the corner, up to this part here (indicating), this way.

Q Are there trees along Tuberias Street there?

A No, sir.

Q Is there a wall behind the --

A Yes, sir, there is a concrete wall.

Q Were they lined up against the wall?

A Not very much near the wall; about half a yard from the wall.

Q Now, exactly what did you see -- first, how long would you say that it took you, when you first came in sight of them, until you could no longer see them?

A More or less 20 minutes.

Q Twenty minutes from this corner, right here (indicating)?

A From here (indicating), from this place, because when you are in this place you can see everything here, because the wall is going that way (indicating).

Q From right there to about what spot?

A Up to here (indicating), up to this place, here (indicating).

Q About how many meters?

A Because this is very clear, here (indicating); no trees here. You can see everything here.

Q Well, about how many meters is it from here (indicating), to here (indicating)?

A That is what I don't know.

Q You don't know how many meters?

A No, sir, but it is about 20 minutes or less, because the horse was just walking.

Q You think it took 20 minutes to go past there?

A Twenty minutes or less.

Q Now, exactly what did you see? Now, explain exactly what you saw as you went past there.

A I saw nine or more Filipinos tied up --

Q Were they standing or were they sitting?

A They were standing in line, they were fall in line, and their hands were tied up behind them, and they were bayoneted right in the eyes, through, side by side.

Q They were standing side by side. Was there any space between them?

A No, sir.

Q They were real close together?

A Yes, sir.

Q How many Japanese performed this bayoneting?

A I saw two Japanese doing the work.

Q How many more were standing around there?

A More or less eight Japanese.

Q About eight Japanese?

A Yes, sir.

Q Now, what did you see after you saw the bayoneting about the eyes?

A That is all I saw, sir.

Q Didn't you testify about their tongues being cut, or something like that?

A That is another --

Q That is another incident?

A Yes, sir.

Q Do you know the names of any of these Filipinos that were bayoneted?

A No, sir.

Q Do you know if any of them are living or if they are all dead?

A I saw two of the victims who were burned by the tips of the cigarettes. The names are --

Q Now, I am talking only about the nine who were bayoneted.

A No, sir, I do not know any of them.

Q You do not know if they are living or dead?

A No, sir.

Q Now, let's proceed to the matter of the tongues being cut.

A Seven Filipino victims were tied up --

Q About what date was this?

A That was the second week of July, 1942.

Q All right, go ahead.

A They were tied up, made to kneel.

Q Now, where did this occur?

A Right in front of the San Beda Building.

Q Will you indicate that here on the map?

A Right here, this place here (indicating).

Q Where were you when you saw this?

A I was in the calesa, passing by.

Q Go ahead.

A They were tied up and they were made to kneel down

on the ground and their tongues were pulled out by the help of pliers.

Q Did this occur on the sidewalk, along Mendiola Street?

A This is the ground, right here (indicating).

Q In front of the college?

A Yes, near the fence; this one here (indicating).

Q Was it outside the fence or inside the fence?

A Outside of the fence.

Q Go ahead.

A Their tongues were pulled out by the help of the pliers, up to their chest, and when the victims tried to gurgle or tried to scream -- I mean to say they were boxed, and the Japanese soldiers uttered Japanese words which I did not want to hear. Shall I say the words?

Q Well, it will not be necessary as far as I am concerned. Just go ahead and tell what happened after that.

A And I saw the tongues hanging right on their chests, and that is all I could see -- bleeding.

Q Do you mean they pulled their tongues completely out?

A Yes, up to the chest, and they were bleeding.

Q Do you know if any of these Filipinos are still living?

A No, sir.

Q You do not know?

A No, sir, I don't.

Q Do you know the names of any of them?

A No, sir, I don't know.

Q About how many Japanese were concerned in this?

A There were 12 or more.

Q Twelve or more?

A Yes, sir.

Q Did this occur on the inside of this row of trees, or on the outside towards Mendiola Street?

A That is outside of the fence before you step onto Mendiola Street.

Q Are there trees next to the street?

A Yes, sir.

Q And they were between the trees and the fence?

A Yes, sir.

Q And the trees were between you?

A No, sir; it is like this: The trees go this way (indicating), and they were on the ground between the two trees.

Q Between the two trees?

A Yes, sir.

Q Now, will you indicate on this sketch when you first noticed the Japanese and Filipinos? Were you riding along here in a carretela?

A No, in a calesa.

Q Will you show what point you were at when you first saw it?

A I was going this way, and then the cochero called my attention. I was near to the place where the torturing was, and I was looking another way, and the cochero called my attention. He said, "Look; look what the Japanese are doing to the Filipinos," and I took a look, when I saw the atrocities.

Q Where were you when he told you to look?

A I was very near to the victims. The victims were here, and I was right here, and then up to here I turned my back and I saw them doing it (indicating).

Q About how long a period of time elapsed from the time you first saw them, or until you saw them?

A Fifteen minutes or less, because every time we passed in front of San Beda, the horse could not go fast, because it is the order of the Japanese sentries.

Q Do you know how to distinguish between a Japanese officer and an enlisted man? Could you tell the difference between them?

A Yes.

Q How did you distinguish?

A As to my knowledge, the Japanese officers wore boots.

Q Wore what?

A Boots, and are having swords.

Q Wear boots and have swords?

A Yes, sir.

Q Is there any other way to tell, that you know of?

A That is all I could tell, sir.

CAPTAIN CODER: No further questions.

COLONEL LIM: No questions.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL LIM: Will you mark these two exhibits?

(The statements referred to were marked Prosecution Exhibits Nos. 373 and 374 for identification.)

COLONEL LIM: Sir, at this time I desire to announce that I had two other witnesses subpoenaed for today. In accordance with the return made by Captain Williams, both witnesses are now in bed. One of them is Mrs. Feliza Delgado, the wife of the witness who testified yesterday afternoon.

According to Captain Williams, Mrs. Delgado is in bed. She is 58 years old, and there is no way of bringing her here.

GENERAL DONOVAN: We can dispense with that testimony.

COLONEL LIM: I have a copy of her statement that I have served on the Defense, and I would like to introduce her statement into evidence.

CAPTAIN CODER: We have no specific objection to this document. However, there is one question and answer that I want to call to the attention of the Commission.

GENERAL DONOVAN: All right. The document is accepted into evidence.

(Prosecution Exhibit No. 373 for identification was received in evidence.)

COLONEL LIM: We present this statement of Mrs. Feliza C. Delgado, as Prosecution's Exhibit No. 373.

GENERAL DONOVAN: It has been accepted.

CAPTAIN CODER: The point in this statement that I would like to call to the attention of the Commission is near the end, the last page, where the question is asked:

"Q. Was the Filipino victim given a fair trial before he was killed?"

The answer is: "I do not know."

I would like to call the attention of the Commission to the fact that there is no foundation in the statement itself to show that this person would know whether a fair trial was given or not.

GENERAL DONOVAN: That remark will be stricken from the statement.

COLONEL LIM: We also offer into evidence Prosecution's Exhibit No. 374, which is the statement of Mrs. Carmencita C. Delgado, who, in accordance with Captain Williams' statement, was not allowed to come to the hearing by order of her doctor, because she is about to deliver. We have given a copy of this statement to the Defense.

CAPTAIN CODER: The Defense has no further objection to this instrument.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 374 for identification was received in evidence.)

COLONEL LIM: Our next witness is Rosalino Aurora.

ROSALINO AURORA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows, through Interpreter Rodas, with Interpreter Gojunco acting as "check" Interpreter:

DIRECT EXAMINATION

Q (By Colonel Lim) Will you state your name?

A Rosalino Aurora.

Q Your age?

A Twenty-three.

Q Your nationality?

A Filipino.

Q In the month of June, 1942, where were you living?

A 1148 Governor Forbes Street.

Q Do you remember having been in contact with members of the Japanese Army during that month of June, 1942?

GENERAL DONOVAN: Ask him the question all over again, will you?

Q (By Colonel Lim) Were you ever arrested by the Japanese Army?

A (Without aid of Interpreter) Yes, sir.

Q When was this?

A (Without aid of Interpreter) In June 18, 1942.

INTERPRETER RODAS: June 18, 1942.

Q (By Colonel Lim) Will you relate the circumstances under which you were arrested by members of the Japanese Army?

A (Through Interpreter Rodas) At two o'clock in the morning Japanese soldiers went to my house.

Q What was the date of this?

A (Without aid of Interpreter) June 18th.

INTERPRETER RODAS: June 18th.

THE WITNESS (without aid of Interpreter): 1942.

INTERPRETER RODAS: 1942.

Q (By Colonel Lim) Please proceed.

A (Through Interpreter Rodas) On June 18, 1942, about two o'clock in the morning, Japanese soldiers went

to our house, and we were all alarmed. In that state of fright, I still remember four Japanese went right inside my room, and they shouted -- they didn't shout anything but "guerrilla," and after that they arrested all the male members of my household, and we were all -- our hands were tied at our backs. And right inside our house we were slapped and we were pushed around until we were downstairs, and they brought us to the Rotonda.

Q What Rotonda?

A (Without aid of Interpreter) In front of our house.

INTERPRETER RODAS: "The Rotonda in front of our house, in Governor Forbes."

Q (By Colonel Lim) That was in the City of Manila?

A (Through Interpreter Rodas) Yes, sir.

Q Go ahead, please.

A After awhile two trucks came, and there we were loaded. They threw us into the trucks. Afterwards we were pressed by the soldiers and the guns were placed on our heads. When we reached San Beda, we were thrown into a room, and we were herded in one corner of the room, and each one of us were asked questions, and for every answer we gave we were slapped and beaten. Until the next morning. At eight o'clock that next morning we were asked to go down to the playground of the San Beda College, and there we were again tortured.

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GENERAL DONOVAN: Did they ask them to go down, or did they tell them to go down? Find out.

COLONEL LIM: What was that, sir?

(Record read.)

THE WITNESS: (Through Interpreter Rodas) We were pushed down. We were ordered; we were pushed down.

Q (By Colonel Lim) By whom?

A (Through Interpreter Rodas) By the Japanese soldiers.

Q Go ahead, please.

A When we were being tortured down in the playground of San Beda, one of us by the name of Remigio Reyes was taken by the Japanese, and he was brought right inside San Beda College. I didn't know what he was asked inside the college, but when he was taken back to our place we saw he was carrying spade, shovel, and he was asked to dig the ground to a depth of a knee-length depth.

GENERAL DONOVAN: Was he asked or was he told?

(Translated to the witness by Interpreter Rodas.)

INTERPRETER RODAS: He was ordered.

A (Continuing, through Interpreter Rodas) -- and four Japanese soldiers were around him while he was ordered to do this. After he was through digging the ground to knee-length depth, he was asked to -- he was blindfolded. And right there in the place where he dug the ground, he was ordered to kneel; and while he was thus knelt, a Japanese officer with a long sword ordered that he be killed, and right there his head was cut off, his neck was cut off. After that the four Japanese soldiers who were around that place were asked to cover his body with dirt,

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and then we were ordered to proceed in front of San Beda College. While we were out in front of the San Beda College, every Japanese who saw us threw stones at us. And while they were stoning us, we were right under the heat of the sun, exposed to the heat of the sun, and we were tortured in this manner:

Our heads were clamped between two pieces of wood with a hole in the middle, just enough to fit my neck, and the same thing was done to my hands, my wrists.

Q Go ahead.

A At 5 o'clock of that day, 5 o'clock in the afternoon, we were taken back to San Beda College, inside San Beda College; we were not fed. We were given cold water. And that same night, while we were in the room, every Japanese who enters that room would burn us with lighted tips of cigarettes. At 8 o'clock in the evening they poured water, cold water, over our heads, and once in a while they hit us with the butts of their guns. And after that until morning, they did not do anything but beat us and mangle our bodies.

The next day again, early, very early in the morning, they would begin torturing us again. They would get us from our rooms and take us again in front of the San Beda College.

Q For how many days were you tortured in this manner?

A Six days, sir.

THE WITNESS: (Without aid of interpreter) Six days without eating.

INTERPRETER RODAS: "Six days without any food."

THE WITNESS: (Without aid of interpreter) Including only the ice cold water; that is our breakfast, dinner and supper.

Q (By Colonel Lim) Do you remember what happened to you on the 5th day of torturing?

A (Through Interpreter Rodas) Yes, sir.

Q Will you relate that to the Commission?

A Yes, sir. While we were on the 5th day, while we were in front of San Beda, there was a barbed wire fence at our back, and every Japanese soldier who would pass in front of us would push us back towards this barbed wire. And also right at our back was a smudge, burning fires, and there one Japanese burned my armpit.

Q With what did he burn your armpit?

THE WITNESS: (Without aid of interpreter) With a wood.

A (Through Interpreter Rodas) A torch, a burning torch.

Q Go ahead, please.

A While we were being tortured thus, and while I was tortured thus, the sergeant and the rest of the Japanese soldiers were laughing and having fun at what they were doing to us. And after that, the soldier took hold of a piece of wood, two by four, and struck me on the face, until the afternoon came. At 6 P. M. we were taken back inside the San Beda College once again.

Q Do you remember one of your companions by the name of Enchon?

A Yes, sir.

Q Do you remember what happened to him?

A Yes, sir. He was placed in one room, separated from us.

Q Did you see him inside of the San Beda College?

A We were taken to San Beda College together, but as soon as we arrived there we were separated from each other.

Q Have you seen Enchon since then up to the present time?

A (Without aid of interpreter) No, sir.

Q Did the Japanese leave any scars on your body?

A (Without aid of interpreter) Yes, sir, on my face and my back.

Q Will you show the scars on your face and body to the Commission?

(Witness exhibits scars.)

Q (By Colonel Lim) What were you struck with?

A (Without aid of interpreter) With a bayonet. We were in the dark room at San Beda.

Q And these scars that you have on the body and face, and that is how they were caused?

A (Without aid of interpreter) When I am standing and the Japanese, I don't know what he done to me, but I just only --

Q Well, give the answer in Tagalog.

A (Through Interpreter Rodas) When I was standing I just felt a bayonet wound in my face, and also the same thing in my back. And they did the same thing with lighted cigarette butts, they burned my body with it.

COLONEL LIM: Would the Commission desire to see those

scars?

(Witness exhibits scars.)

Q (By Colonel Lim) What is this scar to which I am pointing now?

A That is the bayonet wound.

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) Do you recall the date, the exact date when you were taken from your home?

A Yes, sir.

Q What was the date?

A June 18th, 1942.

Q The time that the Japanese took you out into the yard at San Beda College, where one of your number was executed, was that on June 19th?

A Yes, sir, the next day.

Q Can you tell me again the name of the Filipino that was executed?

A Remigio Reyes.

Q Did Reyes protest at his proposed execution to run away or try to fight the Japanese?

A How can he resist while there were four Japanese around him.

Q Please answer the question. Did he resist or did he not resist?

A No, sir.

Q Now, how many Filipinos were present on this occasion?

A There were six.

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(Witness exhibits scars.)

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Q Please answer the question. Did he resist or did he not resist?

A No, sir.

Q Now, how many Filipinos were present on this occasion?

A There were six.

Q Was he the only one who was executed at this time, Reyes?

A Yes, sir. Right next day when we were brought there.

Q Do you know of what Reyes was accused by the Japanese?

A Yes, sir, guerrilla.

Q Were all of you in that group accused of being guerrillas?

A Yes, sir.

Q Were you, in fact, engaged in guerrilla work?

A No, sir.

GENERAL DONOVAN: Well, if that particular question has anything to do with it, he may answer it.

CAPTAIN CODER: Well, I believe he has answered.

GENERAL DONOVAN: Go ahead, if he has answered the question.

Q (By Captain Coder) How did the Japanese talk to you? Did they have an interpreter available?

A Yes, sir, they had an interpreter.

Q Was he a Japanese or was he a Filipino?

A Filipino.

Q Were there other Filipinos who worked in and about San Beda for the Japanese?

A I do not know of any.

Q Do you know how to distinguish between a Japanese officer and an enlisted man?

A Yes, sir.

Q And how?

A The difference that I know is the Japanese officer carries with him a long sword, and he wears a woolen suit;

Q Was he the only one who was executed at this time, Reyes?

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A Filipino.

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A I do not know of any.

Q Do you know how to distinguish between a Japanese officer and an enlisted man?

A Yes, sir.

Q And how?

A The difference that I know is the Japanese officer carries with him a long sword, and he wears a woolen suit;

woolen pants.

Q Do you know what San Beda College was used for by the Japanese?

A What I know is San Beda is a church.

Q Was it the Japanese military police who occupied San Beda College?

A I do not know. The only thing I know there were Japanese soldiers there and an officer with a long sword.

CAPTAIN CODER: No further questions.

COLONEL LIM: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Were you given a trial for guerrilla activities when they took you to San Beda?

A Yes, sir.

Q Did they have a regular court?

A They were reading from a piece of paper.

GENERAL DONOVAN: All right, the witness is excused.

(Witness excused.)

BENEDICTO CORONEL

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas, with Interpreter Lavengco acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Colonel Lim) Will you state your name?

A Benedicto Coronel.

Q Your age?

A 20 years.

Q Your nationality?

A Filipino.

Q Were you ever arrested by the Japanese Army?

A In 1942.

Q That was in 1942?

A Yes, sir.

Q Will you state the month?

A It was June 15th, 1942, when I was arrested from my house.

Q Will you speak louder, please? Will you state the circumstances under which you were arrested by soldiers of the Japanese Army on 15 June 1942?

A I was arrested by the Japanese because they suspected that I had arms; firearms.

Q Did you have firearms?

A No, sir.

Q Were you taken to San Beda College?

A Yes, sir.

CAPTAIN CODER: If the Commission please, I am not getting his answers.

GENERAL DONOVAN: Will you read the last three questions and answers back?

(Record read.)

Q (By Colonel Lim) When was this?

A In June; June 15th, 1942.

Q Will you state to the Commission what happened to you while you were inside San Beda College?

A When I was in San Beda College they, the Japanese, were forcing me to admit that I had firearms, and because I told them I had no firearms they beat me harder. For

A Filipino.

Q Were you ever arrested by the Japanese Army?

A In 1942.

Q That was in 1942?

A Yes, sir.

Q Will you state the month?

A It was June 15th, 1942, when I was arrested from my house.

Q Will you speak louder, please? Will you state the circumstances under which you were arrested by soldiers of the Japanese Army on 15 June 1942?

A I was arrested by the Japanese because they suspected that I had arms; firearms.

Q Did you have firearms?

A No, sir.

Q Were you taken to San Beda College?

A Yes, sir.

CAPTAIN CODER: If the Commission please, I am not getting his answers.

GENERAL DONOVAN: Will you read the last three questions and answers back?

(Record read.)

Q (By Colonel Lim) When was this?

A In June; June 15th, 1942.

Q Will you state to the Commission what happened to you while you were inside San Beda College?

A When I was in San Beda College they, the Japanese, were forcing me to admit that I had firearms, and because I told them I had no firearms they beat me harder. For

three days we were beaten very much, and we were not given any food, and out of the 15 people who were in our group only four remained. We four of us only were left, and we did not admit that we possessed firearms. At about 3 o'clock in the afternoon of Saturday we were released.

Q Were you able to go out from San Beda by your own feet?

A No, sir.

Q How were you taken out of San Beda?

A I was taken in a calesa by my wife.

Q And taken to where?

A In San Lazaro.

Q What is San Lazaro?

THE WITNESS: (Without aid of interpreter) San Lazaro Hospital.

Q How were you tortured while you were inside San Beda College?

A (Through Interpreter Rodas) My hands were tied at my back, up to my elbow, and then I was suspended from the ceiling with my feet suspended in the air.

Q What else?

A While they were thus questioning me, the Japanese beat me, kicked me, and beat me with a piece of wood with nails, pointed nails at the end of that piece of wood.

Q Were you wounded by the stick with the nails?

A Yes, sir.

Q Do you have the scars on your body?

A Yes, sir.

Q Will you show them to the Commission?

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Q And taken to where?

A In San Lazaro.

Q What is San Lazaro?

THE WITNESS: (Without aid of interpreter) San Lazaro Hospital.

Q How were you tortured while you were inside San Beda College?

A (Through Interpreter Rodas) My hands were tied at my back, up to my elbow, and then I was suspended from the ceiling with my feet suspended in the air.

Q What else?

A While they were thus questioning me, the Japanese beat me, kicked me, and beat me with a piece of wood with nails, pointed nails at the end of that piece of wood.

Q Were you wounded by the stick with the nails?

A Yes, sir.

Q Do you have the scars on your body?

A Yes, sir.

Q Will you show them to the Commission?

(The witness removed his shirt and exhibited portions of his body to the Commission.)

Q Will you point out the scars?

(The witness indicated various portions of his body.)

GENERAL DONOVAN: That is all right.

We will take a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with three members of Defense counsel. Prosecution is present and ready to proceed.

Q (By Colonel Lim) You have just showed us some scars on your shins. Will you explain to the Commission how you were wounded in your shins?

A (Through Interpreter Rodas) Yes, sir. They beat me with pieces of wood, and they kicked me with their spiked shoes.

Q What else?

A They boxed me and they slapped me.

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) How many Filipinos were in the group that you were brought in on the 15th of June?

A We were 15.

Q You stated that at one period there were only four of you left. What happened to the other 11?

A We were told, when we were gathered, the Japanese told us that those who will admit that they had firearms

with them in their possession will be set free. So some of my companions accepted or admitted that they had firearms, and among those is one who is my neighbor. So I thought while those who admitted that were released or set free, I thought that all the time, but when I returned home I learned that my neighbor, who was my companion, did not come back any more, and so I think he was killed --

Q Never mind what you think. Do you know why the Japanese suspected you of having firearms?

A No, sir.

Q Now, how long did you stay at San Beda College altogether?

A Three days.

CAPTAIN CODER: I have no further questions.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL LIM: Sir, this testimony concludes our case on Specification No. 46.

We wish now to offer evidence in connection with Specification 45, which is otherwise known as the Abad Santos case.

The first witness is Jose Abad Santos, Jr.

JOSE ABAD SANTOS, JR.

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Colonel Lim) Will you state your name, age and

nationality?

A My name is Jose Abad Santos, Jr.; 26 years old, and a Filipino.

Q Were you a member of the Philippine Army?

A Before the war broke out I was called into the army. I was a Third Lieutenant then.

Q Why is that you are not in the army now?

A Because before the President left, I was reverted into inactive status.

Q Which President?

A President Quezon.

Q When was that?

A The President left for Mindanao on March 20th, 1942, and from Mindanao he flew to Australia and then to the United States.

Q Do you know who Jose Abad Santos is?

A He was my father.

Q In March 1942, at the time the President, President Quezon, flew to Mindanao, do you know whether your father occupied any position in the Government?

A When President Quezon left he made my father a presidential delegate, and at that time, too, he was Chief Justice of the Supreme Court and also Acting Secretary of Justice, Secretary of Finance and Secretary of Agriculture and Commerce.

COLONEL LIM: Will you mark these for identification?

(Three documents marked Prosecution Exhibits No. 375, 376 and 377 for Identification.)

COLONEL LIM: At this time, sir, we offer as Prosecu-

tion's Exhibit No. 375, a certification issued by Mr. Serapio D. Canceran of the Philippine Government, in the sense that the late Jose Abad Santos, in addition to his duties as Chief Justice of the Supreme Court of the Philippines, was designated by President Quezon as Secretary of Finance, Agriculture and Commerce, in accordance with the provisions of Executive Order No. 396, dated December 24th, 1941, a copy of which is attached, and will be offered as Prosecution's Exhibit No. 376.

CAPTAIN CODER: Defense has no objection.

GENERAL DONOVAN: The exhibit is accepted.

COLONEL LIM: We offered two exhibits, sir, 375 and 376.

We offer as Prosecution's Exhibit 377 --

GENERAL DONOVAN: Just a minute.

Does that include Exhibit 376 also?

CAPTAIN CODER: 375 and 376.

GENERAL DONOVAN: Exhibits 375 and 376 are accepted.

(Prosecution Exhibits No. 375 and 376 for identification were received in evidence.)

COLONEL LIM: We also offer as exhibit for the Prosecution, and identified with the number 377, another certification issued by Serapio D. Canceran, dated 17 March 1942.

CAPTAIN CODER: Defense has no objection to that.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 377 for identification was received in evidence.)

COLONEL LIM: We desire to read from this exhibit the

most significant part.

This is a letter sent by President Manuel L. Quezon in the following manner, on March 17, 1942, to the late Jose Santos, reading as follows:

"My dear Chief Justice Santos:

"In addition to your duties as Chief Justice and Acting Secretary of Finance, Agriculture and Commerce, I hereby designate you as my delegate with power to act on all matters of government which involve no change in the fundamental policies of my administration of which you are quite familiar. Where circumstances are such as to preclude previous consultation with me, you may act on urgent questions of local administration without my previous approval. In such cases, you are to use your own best judgement and sound discretion."

Q (By Colonel Lim) After President Quezon left for Mindanao, where did your father go?

A After President Quezon left for Mindanao, my father stayed in Negros. There he discharged his duties pertinent to his office, despite the fact that he was suffering from ill health.

Q Do you remember having encountered members of the Japanese Imperial Army while you were in the Visayan Islands?

A Well, after staying in Negros, my father decided to go across to Cebu in order to inspect that province and to discharge his duties in that place. We were in Cebu up to May 9 of 1942. That day --

Q Up to what date?

A Up to May 9, 1942. That night -- I beg your pardon; up -- yes, that is right. May 9, 1942. That night we heard a broadcast from the Voice of Freedom, stating that Bataan has fallen. The next day, since my father has fully discharged his duties in Cebu --

Q Just a minute. I believe there is a confusion of dates. Bataan fell in April 1942, not May.

A I am sorry. It fell April 9, 1942.

Q Go ahead, please. So this took place on --

A April 9, 1942.

Q Go ahead, please.

A The next day my father decided to go back to Negros, as he has fully discharged his duties on Cebu. Early that morning we took a jitney, constabulary jitney, together with Colonel Valeriano of the Constabulary Force and two enlisted men. We were on our way to a point of embarkation to go across to Negros, when we were met by trucks, which we thought were USAFFE forces going on the retreat. We wanted to inquire from them about the movements of the enemy and how to cope with the situation, but to our surprise they turned out to be Japanese soldiers in full camouflage.

Q What was your father doing when these Japanese soldiers on these trucks reached the place where you were?

A My father was -- we were all inside the truck, or jitney, and when we met the Japanese soldiers they immediately ordered us to surrender, and we alighted from the truck. They inquired immediately who my father was, and my father disclosed his identity as Chief Justice

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Q What was your father doing when these Japanese soldiers on these trucks reached the place where you were?

A My father was -- we were all inside the truck, or jitney, and when we met the Japanese soldiers they immediately ordered us to surrender, and we alighted from the truck. They inquired immediately who my father was, and my father disclosed his identity as Chief Justice

of the Supreme Court.

Q What happened after that?

A They disarmed Colonel Valeriano and the enlisted men with us, and they took us prisoner.

Q Where to?

A They took us to Negros City that night --

Q To where?

A To Cebu City that night at about 8 o'clock.

Q When was this?

A That was on May -- April 10, 1942.

Q What happened after that?

A We were kept at the Japanese concentration camp in Cebu City. There my father was subjected to investigation by the commander of the expeditionary forces in Cebu. The next day we were -- my father was taken to the Department Inspector's office, where he was again subjected to another investigation. After that investigation, we were taken to the capitol of Cebu City. From there they move us to a private house, where we stayed for about four or five days. During that interval, my father was always called in for investigation by the commander of the expeditionary forces, by the chief of staff, and by a lieutenant colonel by the name of Kawakami, who was in charge of the Military Administration in Cebu City.

Q Did you hear of General Kawaguchi?

A General Kawaguchi was the commander of the expeditionary forces in Cebu.

Q Were you ever present during any one of these investigations conducted by the Japanese regarding your

father?

A I was present only once.

Q Do you remember what happened then?

A And that investigation took place right at the house where we were staying.

Q What happened?

A I was not exactly paying attention to the investigation, because I was more concerned about what would befall my father. But --

Q Do you remember of anything that happened during that investigation?

A During that time I heard my father raise his voice, saying, "I cannot do that, because if I do that that would be violating my allegiance to the United States."

Q What else? Will you proceed? Will you proceed?

A We stayed in that private house for about four or five days, then on night -- that is about the end of April -- the Japanese officer and a soldier told my father and myself to pack up, we were going some place. Where we were going, we were never told. They took us to a transport that was waiting at the port. Early that morning, early morning of the next day, the ship left, and we were still in ignorance as to where we were going. During that trip my father was called by the commander, Kawaguchi, and he was informed then that we were supposed to contact General Roxas, who was in Mindanao.

Q What did your father answer to that?

A My father -- whether my father complied to that order or not, he never disclosed that matter to me.

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A During that time I heard my father raise his voice, saying, "I cannot do that, because if I do that that would be violating my allegiance to the United States."

Q What else? Will you proceed? Will you proceed?

A We stayed in that private house for about four or five days, then on night -- that is about the end of April -- the Japanese officer and a soldier told my father and myself to pack up, we were going some place. Where we were going, we were never told. They took us to a transport that was waiting at the port. Early that morning, early morning of the next day, the ship left, and we were still in ignorance as to where we were going. During that trip my father was called by the commander, Kawaguchi, and he was informed then that we were supposed to contact General Roxas, who was in Mindanao.

Q What did your father answer to that?

A My father -- whether my father complied to that order or not, he never disclosed that matter to me.

Q Go ahead, please. What happened during the trip?

A We were in the ship about two days, and early one morning we heard cannonading and explosions. We didn't know what was happening then, but when we peeped out of the porthole we noticed that they were shelling the coast, and --

Q What coast?

A At that time I didn't know what coast it was. Later they told us to take a few -- a little of our baggage to go down to the landing barge.

Q Did you go down to the landing barges?

A We went down to the landing barge, and we were together with the Japanese troops. During that short trip from the ship to coast, the USAFFE were firing at us. I remember then that my father was sitting upright. I told him to lay low, but he didn't seem to mind it until somebody had to shout from behind, and one of the Japanese soldiers pushed him down in order that he will be crouching.

Q Go ahead, please.

A We landed with the Japanese troops, and we had to hike for about three hours through muddy jungles and sandy beaches.

Q What beach was this?

A Later on I found out it was Camp Parang.

Q Where is Camp Parang?

A Camp Parang is on this island here, the Island of Cotabato.

Q What happened after you reached Camp Parang?

A At Camp Parang we were confined to one of the cottages there and stayed there overnight.

Q And the next day?

GENERAL DONOVAN: What date is this?

Q (By Colonel Lim) What day is this?

A That was about the early part of May, 1942.

Q Go ahead.

A By truck we were taken to a small town, which I later found out to be Malabang.

Q In what province is Malabang?

A It is a small town in Lanao.

COLONEL LIM: May we call the attention of the Commission to the fact that through an error we stated in the specifications that Malabang was in the Province of Cotabato. By this statement of the witness we now find out it is in the Province of Lanao.

Go ahead.

THE WITNESS: We stayed in that small town for about three days. We were made to stay in an old constabulary barracks called Fort Corcuera. Later on we were transferred to the school house, which was also used by the constabulary men, and later we were also transferred to a private house, which I found out to be the house of the chief of police of that town.

Q Go ahead.

A During all that time my father was subjected to investigation, except when one afternoon --

Q What date?

A About May 7th, 1942.

A At Camp Parang we were confined to one of the cottages there and stayed there overnight.

Q And the next day?

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Q Go ahead.

A During all that time my father was subjected to investigation, except when one afternoon --

Q What date?

A About May 7th, 1942.

Q What happened?

A He was suddenly called by the interpreter.

Q Who was this interpreter?

A This interpreter was a London University graduate by the name of Kenji Fukui.

Q Did you know him before then, before May 7th, 1942?

A I always knew him to be the official interpreter of the commander of the expeditionary forces.

Q Go ahead.

A He called my father and told him he was wanted by headquarters. My father immediately dressed up and came down to the house and reported. After about a half hour, I heard my father calling me. He told me to go down, to come down, for he has something to tell me.

The interpreter conducted my father and myself to a small hut, where we were alone by ourselves. Then my father told me that he was sentenced to die. Upon hearing that I immediately burst into tears. He told me, he said, "Don't cry, Pepito," as he called me by that name, "Show these people that you are brave."

Well, he told me to take care of the family and to tell them that some day we will meet again. Then he also told me that he was accused of setting fires to Cebu City. Towards the end I said a short prayer with him, and later the interpreter called him and told him that it is time. All this time he was just laughing, and I was there crying like a kid.

Q Did he say anything about his coming death?

A At that time I was with him, I never expected that

he would be sentenced then, because he never told me what was in his mind or the worry that was bothering him.

Q Go ahead, please.

A He was taken by the Japanese, which I believe was about a squad, taken to a place, and I was separated from him. I went up to the house, still crying, and waiting, and about 15 or 20 minutes later I heard a volley of shots, which I took to be the shots that ended the life of my father.

Later on the interpreter came back and told me that my father died a glorious death. He together with another Japanese by the name of Tanaki Ida, brought me to a spot, which they told me was the grave of my father.

Even while we were there, that interpreter, the remarks that he made before that my father died a glorious death, he said that again.

Q What happened to you after that?

A After that the Japanese brought me with them.

Q Where to?

A Up to Cagayan, Misamis.

Q And then?

A There one night they told me I was going to Tokyo. Upon hearing that I couldn't control myself and burst out crying like a kid, because I never expected to go to such a place as Tokyo.

Q Were you allowed to contact members of your family after your father was killed by members of the Japanese Army?

A After my father was killed by the Japanese, they

allowed me to write a short letter without the address.

Q Was that the only letter they allowed you to send to your family?

A Yes, sir, that was the only letter.

Q Did you meet again General Kawaguchi in Manila after the death of your father?

A From Cagayan, Misamis, I was taken by boat to Manila, where I was confined in a hotel for about three days.

Q Whereabouts?

A The Manila Hotel.

Q Go ahead.

A Incommunicado. I begged and begged them to let me see, at least once, one member of my family; but they never acquiesced to my request. They even threatened to shoot me if I tried to do anything foolish.

Q Did you actually go to Tokyo?

A I was flown to Tokyo.

Q By whom?

A During the latter part of May.

Q By whom?

A By the Japanese.

Q Escorted by a Japanese?

A Yes.

Q How did you maintain yourself in Tokyo?

A In Tokyo I maintained myself with the money that my father had with him when we were caught.

Q Were you maintained by the Japanese Government?

A I never received any money from them.

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) What were your father's duties in Cebu?

A My father was executing his duties pertinent to his office.

Q His office as what, Justice of the Supreme Court?

A As presidential delegate, Chief Justice of the Supreme Court, Secretary of Justice, Finance, Agriculture and Commerce.

Q Just what was he doing in Cebu?

A He was inspecting Cebu.

Q He was inspecting the Island of Cebu?

A Yes, sir.

Q Now, how many people were in your father's party?

A At that time besides my father and myself there was a certain lieutenant by the name of Francisco Delgado, who was acting aide to my father. In our company, too, was Colonel Valeriano of the Constabulary.

Q Was he in your father's party or was he from Cebu?

A He was with us.

Q Now, when you were taken from the City of Cebu to this party, did the four of you go together?

A No, Lieutenant Delgado was separated from us.

Q Just yourself and father were taken away from the City of Cebu?

A My father, Colonel Valeriano and myself were the only ones.

Q What happened to this colonel?

A We were taken prisoners, the three of us, but later

on he was separated from us.

Q He was separated from you prior to the death of your father?

A Yes, but for what we never knew.

Q Do you know the reason for -- do you know about the investigation of your father, at which you were present, do you recall any of the questions that were asked of your father and the answers that he gave?

A I can't recall very clearly the investigation that took place when I was present, because, as I told you before, I wasn't paying close attention to the investigation that was going on. I only overheard my father.

Q Were you in the same room during this time?

A Yes, sir.

Q How large a room was it?

A If you were in my shoes at that time you can just imagine the suspense --

Q Please answer the question. I don't want to be in your shoes at all. I want you to answer my question. How large a room was it that you were in?

A It was about five by three.

Q Meters?

A Yes.

Q Five meters by three meters?

A Yes.

Q How many people were in the room?

A There were about an officer and a Japanese civilian, my father and myself.

Q Did you know the Japanese officer?

A No.

Q Were they sitting at a table?

A They were, yes.

Q You don't know what the Japanese asked your father to do at the time when he raised his voice and said he couldn't do that?

A No, I don't recall the question.

Q Was anything explained to you by the Japanese as to why you were to be taken to Japan or to Tokyo?

A They never told me the reason why they took me to Tokyo, but the way I looked at it, it was that they wanted no one to speak about what happened to my father because I was the only witness.

Q Well, it was pretty well known throughout the Islands that your father was killed. I don't know why you would make any difference.

A But they never really knew what happened to him.

Q Who told you you were going to Tokyo?

A The Japanese officers through an interpreter.

Q Do you know what Japanese officer?

A General Kawaguchi.

Q Do you know who was the interpreter at that time? Was it Fukui?

A Yes.

Q Where were you when you were told you were to go to Tokyo?

A At Cagayan.

Q That is down in Mindanao?

A Yes.

Q That is where the incident occurred?

A Yes.

Q How were you brought up from there to Manila?

A I was taken aboard a transport.

Q In whose company were you at that time?

A I was with the Japanese all the time, closely guarded.

Q Do you know any of the officers that were with you?

A That interpreter was always with you.

Q Do you know who was in charge or who was responsible for your well being until you left Manila, the name of Japanese officer?

A I think it was General Kawaguchi all the time.

Q Did General Kawaguchi stay with you while you were in the Manila Hotel? Did you have a contact with him then?

A I saw him once. He told me again what they wanted to do with me. I was going to go to Tokyo and stay there.

Q Did he say you were just to stay there?

A They made me study.

Q They wanted you to go there and study, is that it?

A Yes.

Q What did they want you to study when you got there, did he say?

A They reiterated the threat, if I did anything foolish that they would shoot me.

Q When you say "they" was that General Kawaguchi that said that?

A Yes, through the interpreter.

Q What did you study when you went to Tokyo, after you got to Tokyo what did you do there?

A They placed me in a students'dormitory.

Q Where?

A It is an international students' dormitory in Tokyo.

Q Was it part of the Tokyo University or some school?

A No, it is a separate dormitory.

Q How long did you stay there?

A I was in Tokyo since June, 1942.

Q June, 1942?

A Yes.

Q Until what time?

A Up to the time that I was repatriated by the American forces.

COLONEL LIM: Will you read that answer?

(Answer read.)

Q And what date was that? What date were you repatriated? What date did you come back to Manila?

A About October 1945.

Q And during this period of time, did you stay in the students' dormitory? From June 1942 to October 1945, did you stay in the students' dormitory in Tokyo?

A No; I stayed in that dormitory for about more than a year, and when Mr. Vargas then passed there to Tokyo, came to Tokyo, he told me to work with him, as his personal secretary.

Q What did you study while you were at this students' dormitory? Did you go to school?

A They wanted me to study law, but I just studied Japanese, and when I had my way I just stopped studying; that is all.

Q They wanted you to study law? Who wanted you to study law?

A They did, because they thought that was my vocation.

Q By "they" who do you mean?

A The Japanese did.

Q Who told you this, to study law? Who told you that they wanted you to study law?

A Well, because they thought I was inclined to that profession.

Q Well, somebody must have told you that the Japanese wanted you to study law --

COLONEL MEEK: If the Court please, I would like to object to this. It is way beyond the time here, and, while it is interesting to know this boy's experiences in Japan in '43 and '44, it doesn't have any bearing on this case.

CAPTAIN CODER: If it please the Commission, it will subsequently appear when the Defense presents its case that it does have something to do with this case. The Japanese knew what the situation was and were endeavoring to educate the boy, and I want to bring everything out that we can --

GENERAL DONOVAN: You may answer the question, but don't take too long.

Q (By Captain Coder) Now, who told you that they wanted you to study law? Do you know the name of the man who told you that the Japanese wanted you to study law?

A It was the interpreter.

Q The interpreter?

A Because he always had contact with the officers of that

general staff.

Q Now, where did you eat while you were in this dormitory up there in Tokyo?

A I beg your pardon?

Q Where did you take your meals while you were in this students' dormitory?

A In that dormitory?

Q At the dormitory. Did you pay for them up there?

A I paid the expenses with money I had with me.

Q Who did you pay?

A I paid it to the dormitory.

Q Now, how much money did you have with you when you went up there?

COLONEL LIM: Sir, that is immaterial.

CAPTAIN CODER: Well, this witness has stated that he used his own money for his expenses. We have reason to believe he was provided with money for that purpose.

GENERAL DONOVAN: You may answer the question.

CAPTAIN CODER: Will you repeat the question?

(Question read.)

A This money that I had with me rightfully belonged to my father.

Q (By Captain Coder) How much money did you have with you?

A I had about 15,000 yen.

Q 50,000 yen?

A 15,000 yen.

Q Did your father give this money to you?

A No. When we were caught, my father had that money in

his possession.

Q He had that money in his possession?

A Yes.

Q How did you get it in your possession, then?

A Because when we had that money we didn't have time to throw it away.

Q Did your father then give it to you?

A He didn't give it to me, but since he died without disposing of it I couldn't very well do what I pleased with it, so I told the Japanese at least to send most of it to the family, but they didn't. They told me, "No, you keep it and you use it for yourself."

CAPTAIN CODER: I have no further questions.

GENERAL DONOVAN: Do you have anything further?

COLONEL LIM: A few questions.

REDIRECT EXAMINATION

Q (By Colonel Lim) Where is this Colonel Valeriano at the present time?

A He was shot. I heard he was killed.

Q The money that your father --

GENERAL DONOVAN: Just a minute. We don't want any more testimony about the money.

COLONEL LIM: I was going to ask just one question more.

GENERAL DONOVAN: All right.

Q (By Colonel Lim) What money did your father leave you; yen or pesos?

A Pesos.

COLONEL LIM: That is all.

EXAMINATION BY THE COMMISSION

Q (By General Valdes) Did your father tell you on what charges he was sentenced to death?

A When we had our last moments together, he told me precisely that he was accused of the destruction in Cebu City.

Q Who sentenced him to death, do you know?

A I don't know about that, sir.

Q He did not tell you?

A He didn't tell me, sir.

Q Did your father tell you whether he was subjected to a trial?

A My father all the time was silent about what was going on, and I respected his reticence, because I knew that he knew what was best.

Q Even before his death, when he told you that he was sentenced to death, he did not tell you whether or not he was subjected to a trial?

A He never told me that, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

SALVADOR ABAD SANTOS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Colonel Lim) Will you state your name?

A Salvador Abad Santos.

Q Age?

A Legal age.

Q Nationality?

A Filipino.

Q What is your present position in the Government?

A Judge in the People's Court, Manila.

Q Were you related to the late Jose Abad Santos?

A I was.

Q What was your relation to him?

A He was my brother.

Q On or about the month of April 1942, did you hear about his arrest by the Japanese?

A I did.

Q How did you hear about it?

A I heard it over the radio.

Q What did you do when you knew of your brother's arrest?

A I was at the time in Tagbilaran, Bohol, and when I got that news over the radio I made efforts to come to Manila, and I was able to come to Manila.

Q Did you contact anybody in Manila about your brother's case?

A I did.

Q Who?

A Jose P. Laurel.

Q Who was Jose P. Laurel?

A He was then the Commissioner of Justice.

Q Appointed by whom?

A Under the Japanese regime.

Q When was this?

A That was about the first days of May 1942.

Q Did you talk with him?

A I did.

Q Will you relate the conversation that you had with Commissioner Laurel?

A I asked Commissioner Laurel to intercede for my brother Jose, and he promised to do so. A few days later I saw him again, and he told me that he had seen General Homma, and that General Homma told him that "we are bitter against Abad Santos." According to Laurel, those were the exact words used by General Homma.

Q Go ahead, please.

A Some time later Laurel sent for me, and he told me that Jose had been executed, and that his death warrant was signed by General Homma.

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) What date did you talk to Laurel?

A To Laurel?

Q Yes.

A About May 2 or 3, 1942.

Q What date did you learn of your brother's predicament?

A About the middle of April 1942.

Q Now, Mr. Laurel was Commissioner of Justice, you say?

A At the time, yes.

Q At the time. What were his duties as such commissioner?

A Beg pardon?

Q What were his duties as Commissioner of Justice?

A Well, he was in charge of the administration of justice in the Philippines.

Q You saw him first on May 2, 1942?

A About that, yes.

Q Now, when did you again see him, when he reported to you --

A About two or three days after that I saw him again, and it was then that he told me that he had seen General Homma.

Q That would have been about May 4th or 5th?

A Yes.

Q Did he say where he had seen General Homma?

A He did not.

Q He didn't say. Did Laurel maintain an office in Manila?

A Yes, he was then in the Department of Justice Building in Intramuros.

Q He did not say anything further about his conversation with General Homma?

A I remember he told me also that they held my brother responsible for the burning of the City of Cebu.

Q General Homma said that to Laurel? Is that what he said?

A No, a general statement that the Imperial Japanese Forces held my brother responsible for the -- among other things for the burning of the City of Cebu.

Q Did he say that he talked to General Kawaguchi about your brother?

A No.

Q Did he say that he talked to General Hayashi about your brother?

A He also told me that he talked to General Hayashi.

Q Well, what did General Hayashi have to say about your brother?

A Laurel told me that General Hayashi told him that Abad Santos is dead.

Q Did Hayashi make any statements prior to his death about Laurel?

A I did not get your question.

Q Did General Hayashi make any statements, prior to your brother's death, to Laurel, concerning your brother?

A Laurel did not tell me anything --

Q Laurel did not see Hayashi prior to your brother's death?

A He must have seen Hayashi after my brother's death.

Q But he didn't see him before?

A I don't remember.

Q Under the Japanese military government here, wasn't Laurel directly under General Hayashi? General Hayashi was the man he would naturally speak to about something like that, isn't that so?

A Well, I think General Hayashi was the director of the military administration.

Q He was administrative director, is that correct?

A Yes, he was at the time.

Q And under that administrative director is the way the civil government functions; under the administrative director of the Japanese forces, is that correct?

A It might be.

Q Well, do you know, or don't you know?

A I don't know exactly the system, governmental system

Q Well, what did General Hayashi have to say about your brother?

A Laurel told me that General Hayashi told him that Abad Santos is dead.

Q Did Hayashi make any statements prior to his death about Laurel?

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A It might be.

Q Well, do you know, or don't you know?

A I don't know exactly the system, governmental system

at that time.

Q What was your position at that time? What were you doing?

A Nothing. I was a private citizen.

Q Do you know when the City of Cebu was burned?

A About April 11, I think, 1942.

Q Do you know if your brother was in fact in Cebu City at that time?

A I know that he was there at the time.

CAPTAIN CODER: No further questions.

REDIRECT EXAMINATION

Q (By Colonel Lim) How far is Tagbilaran, Bohol, from Cebu?

A That is about -- Cebu is just very near Tagbilaran. It is just across the Bohol Channel there, and that channel can be crossed by motorboat in about one hour and a half.

Q As a matter of fact, Judge, did you know that at the time Cebu was burned the city was under the command of a USAFFE general?

A Yes, it was.

COLONEL LIM: That is all.

GENERAL DONOVAN: Anything further from the Defense?

CAPTAIN CODER: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL LIM: Sir, this closes Specification No. 45.

GENERAL DONOVAN: We will adjourn until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 17 January 1946.)

at that time.

Q What was your position at that time? What were you doing?

A Nothing. I was a private citizen.

Q Do you know when the City of Cebu was burned?

A About April 11, I think, 1942.

Q Do you know if your brother was in fact in Cebu City at that time?

A I know that he was there at the time.

CAPTAIN CODER: No further questions.

REDIRECT EXAMINATION

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A Yes, it was.

COLONEL LIM: That is all.

GENERAL DONOVAN: Anything further from the Defense?

CAPTAIN CODER: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL LIM: Sir, this closes Specification No. 45.

GENERAL DONOVAN: We will adjourn until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 17 January 1946.)

AFTERNOON SESSION

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with three members of his Defense counsel. The Prosecution is present, and we are ready to proceed.

COLONEL LIM: If the Commission please, at this time we shall offer evidence in support of Specification No. 42, involving the beheading or killing of five American soldiers.

ELADIO DE LEON

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Lavengco, with Interpreter Rodas acting as "check" interpreter:

DIRECT EXAMINATION

Q (By Colonel Lim) Will you state your name?

A Eladio De Leon.

Q Your age?

A 20 years old.

Q Your nationality?

A Filipino.

Q In May of 1942, where were you living?

A In Paranaque, Rizal.

Q During the month of May 1942, do you remember having seen five Americans in Paranaque, Rizal?

A Yes, sir.

Q Will you relate the circumstances under which you saw these five Americans?

A After the fall of Corregidor, in May 1942, there were five Americans executed in our place.

Q Who executed these Americans?

A The Japanese who lived in the interior of the house of Araneta. The Japanese who lived in the interior of the house of Araneta.

Q Where was this Araneta's place?

A In Paranaque, Rizal.

Q What kind of Japanese were these, were they civilians or soldiers?

A Soldiers.

Q When did you see these Americans for the first time in Paranaque?

A The afternoon of May 8.

Q Where were they when you saw them for the first time?

A At the front of the home of Mr. Araneta.

(A photograph was marked Prosecution Exhibit 378 for identification.)

Q Showing you this photograph marked for identification as Prosecution's Exhibit No. 378, will you kindly state whether you know this?

A This shows the only steps that remain in the staircase of the Araneta's after it was burned.

COLONEL LIM: We offer this exhibit as part of the evidence for the Prosecution, sir.

CAPTAIN CODER: No objection, sir.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 378 for identification was received in evidence.)

Q (By Colonel Lim) Will you relate the manner in which these five Americans were executed on 9 May 1942?

A (Through Interpreter Lavengco) About 9 o'clock I saw five Americans tied together with a single rope in front of the Araneta home. At 9 o'clock they were taken to a certain place, where they were killed.

COLONEL LIM: If the Commission may please, I would desire to make a little correction in the translation.

GENERAL DONOVAN: What date was it? Ask him what date it was.

Q (By Colonel Lim) What date was this?

A (Without aid of interpreter) May 9.

Q At what time of the day did you see these Americans for the first time on May 9?

A (Without aid of interpreter) Seven o'clock in the morning.

Q At what time were they taken to the place of execution?

A (Through Interpreter Lavengco) 9 o'clock.

Q Prior to the execution of these five Americans, did you have any conversation with any Japanese anywhere in Paranaque?

A Yes, sir.

Q What was your conversation with this Japanese?

A On that day, early in the morning, while I was taking my breakfast at our house, a Japanese came with me, and through his signs he told me those are the Americans whom we killed.

Q By the way, in what street is this house of Araneta?

A On Real Street.

Q Paranaque?

A Yes, sir.

Q Let us go back to the execution. Will you relate to the Commission the manner in which these five Americans were executed?

A Before they were killed they were first brought near a fence where there were many persons sitting near the footsteps.

Q Who took them to the fence?

A The Japanese soldiers.

Q What happened after that?

A After leaving the prisoners drink they were taken to the place where they would be executed. A long bamboo pole was inserted through their backs, where there hands are tied.

Q Will you indicate to the Commission in which position these American prisoners were at the time the bamboo was placed at their backs?

(Witness demonstrates.)

INTERPRETER LAVENGCO: As was indicated by the witness, they were standing with their elbows farther in the back. A long bamboo pole was inserted through or between the wrists and the body.

GENERAL DONOVAN: We understand.

COLONEL LIM: Is that satisfactory to the Commission?

GENERAL DONOVAN: Yes, that is all right.

Q (By Colonel Lim) After this bamboo was placed between the elbow and the backs of the American prisoners,

A On Real Street.

Q Paranaque?

A Yes, sir.

Q Let us go back to the execution. Will you relate to the Commission the manner in which these five Americans were executed?

A Before they were killed they were first brought near a fence where there were many persons sitting near the footsteps.

Q Who took them to the fence?

A The Japanese soldiers.

Q What happened after that?

A After leaving the prisoners drink they were taken to the place where they would be executed. A long bamboo pole was inserted through their backs, where there hands are tied.

Q Will you indicate to the Commission in which position these American prisoners were at the time the bamboo was placed at their backs?

(Witness demonstrates.)

INTERPRETER LAVENGCO: As was indicated by the witness, they were standing with their elbows farther in the back. A long bamboo pole was inserted through or between the wrists and the body.

GENERAL DONOVAN: We understand.

COLONEL LIM: Is that satisfactory to the Commission?

GENERAL DONOVAN: Yes, that is all right.

Q (By Colonel Lim) After this bamboo was placed between the elbow and the backs of the American prisoners,

were their hands tied?

A Yes, sir, their hands were tied in front.

Q What happened after that?

A After that, the Americans were blindfolded and they were made to lie down, face down.

Q Go ahead.

A While they were lying face down, about ten Japanese soldiers who were ten meters from them were lined up. Then an American officer gave command. Suddenly the Japanese with rifles, with fixed -- after the officer gave the command, suddenly the Japanese with rifles, with fixed bayonets, rushed towards the American prisoners.

GENERAL DONOVAN: Who gave the command, an American officer or Japanese officer?

THE WITNESS: (Through Interpreter Lavengco) Japanese officer.

Q (By Colonel Lim) What happened after that?

A (Through Interpreter Lavengco) After many bayonet thrusts and the prisoners were already killed, dead, they were untied and their bodies were pulled to a hole.

Q How far was this hole from the place of execution?

A More or less ten meters.

Q What happened after that, do you remember?

A After they have buried the dead bodies, after three days the place emits foul odor.

Q Who buried them?

GENERAL DONOVAN: Wait a minute. What was that last part?

INTERPRETER LAVENGCO: "After they buried, three days

after they were buried, the place emits foul odor."

Q (By Colonel Lim) Who buried them?

A (Through Interpreter Lavengco) The Japanese soldiers.

Q Do you know what happened to the bodies of these American soldiers in February 1945?

A In February 1945, the grave was dug by soldiers of the 11th Airborne.

Q The 11th Airborne Division of the United States Army?

A Yes, sir.

Q Were you present when this grave was dug out or opened again?

A Yes, sir.

Q What did they find inside the grave?

A In the hole they found five skulls. This is all bones; three pairs of shoes and three dog tags.

Q Did they find three pairs of shoes or three pieces of shoes?

A Only three pieces.

Q How many dog tags did they find?

A Four.

Q Did you read the names on these dog tags?

A I have read them and I found American names.

Q Do you remember these names?

A I don't remember the names.

COLONEL LIM: Will you mark these two photographs as exhibits?

(Two photographs marked Prosecution Exhibits No. 379 and 380 for identification.)

Q (By Colonel Lim) Showing you this photograph for

identification marked Prosecution's Exhibit 379, will you state to the Commission whether you recognize this photograph?

A This person here is myself, pointing to the place where the Japanese came when they stabbed the American prisoners.

Q Showing you this other photograph which has been marked Prosecution's Exhibit 380 for identification, kindly state to the Commission if you recognize that?

A These pictures show myself pointing to the black line, which indicates the place where the Americans were killed.

Q Was this the grave or the place where they were killed?

A This is the cemetery or the grave, I mean.

COLONEL LIM: We offer Exhibits 379 and 380 as part of the evidence for the Prosecution.

CAPTAIN CODER: The Defense has no specific objection to these. However, I would like to point out to the Commission that the captions underneath these pictures are unsigned and are not under oath.

GENERAL DONOVAN: They will be accepted for whatever probative value the Commission desires to give them.

(Prosecution Exhibit No. 379 and 380 for identification were received in evidence.)

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) You said that on May 8th, that was the first date that you saw the Americans, is that

correct?

A Yes, sir.

Q At what time of the day on the 8th?

A The afternoon.

Q You also stated that a Japanese came to you and said that the Americans were to be killed. Is that correct?

A That was said to me in the morning.

Q In the morning of what date?

A On the 9th.

Q That is the day after you first saw the Americans?

A Yes, sir.

Q How did the Japanese come to be talking to you?

A Because the lower part of our kitchen is open, and the Japanese used to pass through; by means of signs they were able to talk with us.

Q Did you ask the Japanese about the American prisoners?

A I did not ask them, but we made some signs and they told me they would be killed.

Q What sort of signs did they make?

A With his hands, fingers together, by the side like that (demonstrating) -- cutting the neck.

Q Now, how long after this conversation of yours were the Americans actually executed?

A Two hours after we have talked with the Japanese.

Q Did the Japanese tell you any reason why the Americans were to be executed?

A Some of the Japanese who speak English, they say that those were prisoners who escaped and they were caught after that time, and they will be killed.

GENERAL DONOVAN: What was that answer?

INTERPRETER LAVENGCO: "Some of the Japanese, those that speak English, said that those were prisoners who escaped and they were caught after that time, and they will be killed."

Q (By Captain Coder) You identified this picture here, Exhibit 379, as a picture of yourself. Now, where were you standing here? What is this a picture of, and where are you standing?

A (Through Interpreter Lavengco) This picture shows on the right side big boxes made of steel.

Q At what are you pointing in this picture?

A I am pointing at the direction where the Japanese came when they bayoneted the Americans.

Q Can you see the spot where they buried any of the Americans, from where you are standing in that picture?

A Before, these boxes in the picture were not there, but I was pointing through, pointing to the spot where the Americans were killed.

Q Then actually all this is is a picture of you pointing at a box, is that right?

A Yes, sir.

Q What was on this spot where you are standing before the Americans came, during May of 1942?

A Before, this was an open space, and there were some mango trees around.

Q Now, on any of these three pictures here, can you show me where the Americans stood when they were executed?

A This picture does not show exactly where the Americans

GENERAL DONOVAN: What was that answer?

INTERPRETER LAVENGCO: "Some of the Japanese, those that speak English, said that those were prisoners who escaped and they were caught after that time, and they will be killed."

Q (By Captain Coder) You identified this picture here, Exhibit 379, as a picture of yourself. Now, where were you standing here? What is this a picture of, and where are you standing?

A (Through Interpreter Lavengco) This picture shows on the right side big boxes made of steel.

Q At what are you pointing in this picture?

A I am pointing at the direction where the Japanese came when they bayoneted the Americans.

Q Can you see the spot where they buried any of the Americans, from where you are standing in that picture?

A Before, these boxes in the picture were not there, but I was pointing through, pointing to the spot where the Americans were killed.

Q Then actually all this is is a picture of you pointing at a box, is that right?

A Yes, sir.

Q What was on this spot where you are standing before the Americans came, during May of 1942?

A Before, this was an open space, and there were some mango trees around.

Q Now, on any of these three pictures here, can you show me where the Americans stood when they were executed?

A This picture does not show exactly where the Americans

were, because this picture, Exhibit 378, shows only the stairs, the remains of the staircase of the Araneta home.

Q I understand there are no pictures here of the place where the Americans were executed, is that right?

A Not there.

Q Can you explain to me in relation to this pair of steps where the Americans were when they were executed? I believe the witness indicated it was over in here off of the picture in the last answer?

COLONEL LIM: I would like to have --

GENERAL DONOVAN: Just a minute, Colonel Lim. Let him answer the question.

THE WITNESS: This picture --

COLONEL LIM: I want to know --

GENERAL DONOVAN: Wait a minute, please.

COLONEL LIM: I wanted to have the question repeated so it may be interpreted again.

GENERAL DONOVAN: If we have any question of interpretation that comes up we will take it up with the officer in charge, the chief interpreter.

THE WITNESS: This picture shows the remains of the stairs behind the house leading to the kitchen. But I saw the Americans in front of this.

Q (By Captain Coder) In front of the house?

A Yes, in front of the house.

Q Where were you when you saw the Americans?

A I was at the kitchen.

Q Your kitchen or the kitchen of this house?

A In our kitchen.

Q Did you have a direct view to where the Americans were? Could you see straight through? Was there anything in between you and the Americans?

A There were many mango trees, but there was no obstruction from my view, because I was peeking out from the part where I could see the Americans.

Q For how long a period of time did this execution take?

A More or less ten minutes.

Q Did you talk to the Japanese again after the execution?

A I was not talking to them, but the Japanese were the ones talking with us.

Q Did they talk with you after this execution occurred?

A Yes, sir.

Q What did they say?

A The one who I had a talk with, perhaps, he is one of those that took part in the execution because he was very happy.

Q Now, did the Japanese live at this house of Araneta?

A Yes, sir.

Q About how many of them lived there?

A There were many, sir.

Q Do you know who was in charge of them?

A No, sir, I do not know.

Q Now, when the Americans first came to this house were they brought there by the Japanese?

A Yes, sir.

CAPTAIN CODER: No further questions.

COLONEL LIM: May I have the last question and answer read?

(Question and answer read.)

GENERAL DONOVAN: Anything further, Colonel Lim?

COLONEL LIM: I have one more question.

REDIRECT EXAMINATION

Q (By Colonel Lim) I heard you mention the word Seabees in your answer on cross examination. Who placed these boxes that appear on the right side of this picture, Prosecution's Exhibit 379, at that place?

A The Americans who were called Seabees.

COLONEL LIM: That is all.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

DOMINADOR JIMENEZ

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreters Lavengco and Rodas:

DIRECT EXAMINATION

Q (By Colonel Lim) Your name, please?

A (Through Interpreter Lavengco) Dominador Jimenez.

Q Your age?

A 30 years.

Q Your nationality?

A Filipino.

Q On 9 May 1942, where were you?

A At Wakas, Paranaque, Rizal.

Q Do you remember having seen five Americans on that day?

A Yes, sir.

Q Where?

A They were also at Wakas, Paranaque, Rizal.

Q Under what conditions did you see these Americans?

A They were sitting, sir.

Q Where?

A In front of the house of Araneta.

Q Where is this house of Araneta?

A At Wakas, Paranaque.

Q Were the Americans alone when you saw them?

A No, sir.

GENERAL DONOVAN: Get to the issue, will you please?

COLONEL LIM: Yes, sir.

Q (By Colonel Lim) Were there Japanese soldiers around?

A Yes, sir.

Q What were they doing?

A Sitting, sir.

Q Did anything happen to these Americans on that day?

A Yes, sir.

Q What happened to them?

A After they were made to drink lemonade, they were blindfolded, tied, a bamboo pole was stuck through them, their backs.

GENERAL DONOVAN: Read that answer, please.

(Answer read.)

A (Continuing, through Interpreter Lavengco) -- and they were bayoneted.

Q (By Colonel Lim) By whom?

A The Japanese soldiers.

Q Did they die?

A Yes, sir.

Q Were they buried?

A Yes, sir.

Q By whom?

A The Japanese soldiers also.

Q In February, 1945, do you remember whether or not members of the 11th Airborne Division had been in Paranaque?

A Yes, sir.

Q Did they do anything with the grave of the five Americans?

A Yes, sir.

Q What did they do?

A We dug the grave where the five Americans were buried.

Q Did you take part in digging on that date?

A Yes, sir.

Q Do you remember having seen four tags containing American names?

A Yes, sir.

Q Do you remember the names on these tags?

A Of the four American names, I remember one, "Brooklyn."

COLONEL LIM: Your witness.

CROSS EXAMINATION

Q (By Captain Coder) Where were you when you saw the Americans executed?

A I was at the fence.

Q Were you on the same side of the fence as the Americans or the other side?

A It was inside the lot; it was inside the yard.

Q Were you inside the yard or were you outside the

yard?

A I was out.

Q What sort of a fence is around the yard?

A Bamboo fence.

Q Does it look something like this in this picture here, Exhibit 378?

A No, sir.

Q How does it differ from this?

A There were many planks in the fence. The wooden parts were far apart.

Q How far were you from the fence?

A I was right by the side of the fence.

Q Now, you have stated that you helped dig the graves for the American soldiers. About what time of day did you dig this?

A Morning.

GENERAL DONOVAN: Just a minute. Did you say that he testified that he helped dig the graves?

CAPTAIN CODER: That was my understanding.

COLONEL LIM: Yes.

Q (By Captain Coder) Did the Japanese ask you to help dig the graves?

A No, sir.

Q How did you come to be doing it?

A I was working as mess boy for the Seabees.

Q Did the Seabees ask you to help dig the grave?

A No, sir.

Q All right.

CAPTAIN CODER: I believe I am confused.

GENERAL DONOVAN: That is what I wanted to find out in the first place, and the Prosecution stated that he did dig the grave. I would like to go back on the record for this. My understanding is that he helped them dig up the bodies, and not dig the graves initially.

CAPTAIN CODER: All right, I will put it that way.

Q (By Captain Coder) What was the date when you dug up this grave?

A I can't remember the exact date, but it was in February.

Q Of what year?

A 1945.

CAPTAIN CODER: I have no further questions.

GENERAL DONOVAN: That is what he said in the first place, dig up.

Any further questions?

(No response.)

COLONEL LIM: That closes the proof on Specification No. 42.

GENERAL DONOVAN: We will take a ten minute recess.

(Witness excused.)

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

LIEUTENANT WHITE: Prosecution will next present the evidence on Specification 20.

This specification is concerned with the execution, on the 17th of April 1942, of the eight members of the Chinese Consulate, official representatives of the Chungking Government: Dr. Clarence Kwangson Young, Dr.

Mok, and other members of the Chinese Consul here at that time.

The Prosecution calls, as its first witness, Mrs. Felisa Cu Loo.

FELISA CU LOO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you state to the Commission your full name, your age and your nationality, please?

A I am Felisa Cu Loo, Chinese. I am 34 years old.

Q Mrs. Loo, would you mind speaking up a little louder so that all the members of the Commission can hear you when you testify?

GENERAL DONOVAN: Will she testify in English, or through the interpreter?

LIEUTENANT WHITE: Sir, she will testify in English. However, she prefers to have an interpreter present in case she has any difficulty.

Q (By Lieutenant White) What is your present address?

A My present address is 433 Santa Christo.

Q On 2 January 1942, when the Japanese entered the City of Manila, what was your address at that time?

A At that time my address was 539 Paz, Paco.

Q And what was your husband's name and his official position at that time?

A His name was Lu Ping Su. He was the censor of the Chinese Consulate.

Q Were you acquainted with the other members of the

Chinese Consulate group in the City of Manila at that time?

A Yes.

Q And were you acquainted with the wives of the other members of the Chinese Consulate?

A Yes.

(A photograph was marked Prosecution Exhibit No. 381 for identification.)

Q How many members of the Chinese Consulate group were there on 2 January 1942?

A There were eight.

Q Will you give the Commission their names?

A Consul General C. K. Young; Consul P. K. Chu, Consul K. Y. Mok; my husband, Lu Ping Su; Mr. C. S. Yao; Mr. T. M. Siao; Mr. C. S. Yang and Mr. K. W. Wang.

Q Do you know what happened to the consulate group when the Japanese entered Manila; and, if so, will you tell the Commission what happened to them?

A On the 8th of January, the Japanese military police got Dr. Young in Manila Hotel. Then the military police went to the place here, Santa Mesa, to take the other five; then went to my house to get my husband, and then take Mr. Yang.

Q Do you know where they were interned, initially?

A According to my husband, one day he told me that --

LIEUTENANT WHITE: Will you strike that question?

Q (By Lieutenant White) Where were they taken when the Japanese picked them up? Where were they taken?

A They were taken to Villamor Hall.

Q And at Villamor Hall, did you see all of these eight

men that you have just described?

A Yes.

Q I will hand you what has been marked for identification purposes Prosecution's Exhibit 381, and ask you to point out on that picture, naming the row and their position in the row, the members that were interned at Villamor Hall on 8 January 1942?

A The first one from the left was Mr. Lu, my husband; the second one from the left was C. S. Yao; the third from the left was Consul P. K. Chu; the fourth from the left was Consul General Young; the sixth from the left was K. Y. Mok, and the last one on the right is T. M. Siao.

LIEUTENANT WHITE: Will you mark these.

(Two photographs were marked Prosecution Exhibits No. 382 and 383 for identification.)

LIEUTENANT WHITE: The Prosecution now offers into evidence Exhibit 381.

GENERAL DONOVAN: Any objections?

MAJOR SKEEN: No objection.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 381 for identification was received in evidence.)

Q (By Lieutenant White) I hand you Prosecution's Exhibit 382 and Prosecution's Exhibit 383. Is that a picture of two of the men that were interned at Villamor Hall?

A Yes, 382 was Mr. Yang.

LIEUTENANT WHITE: The Prosecution now offers into evidence Exhibits 382 and 383.

MAJOR SKEEN: No objection.

(Prosecution Exhibits No. 382 and 383 for identification were received in evidence.)

GENERAL DONOVAN: They will be accepted.

What exhibit is the first one you submitted?

LIEUTENANT WHITE: Prosecution's Exhibit 381.

GENERAL DONOVAN: The remark reading: "Photograph showing six of the eight murdered Chinese Consul" will be stricken.

LIEUTENANT WHITE: Yes, that is agreeable.

Q (By Lieutenant White) Did you see your husband at Villamor Hall?

A I saw him often.

Q And did the other wives of the Chinese Consulate see their husbands at Villamor Hall?

A Yes, they went often to see them.

Q Do you know whether they were questioned by the Japanese at Villamor Hall?

A My husband told me that the Japanese asked them to surrender, to cooperate with the Japanese and to denounce the Chungking Government and to contribute 24,000,000 pesos.

Q 24,000,000 pesos to whom?

A To the Japanese.

Q And did your husband tell you on whom they made that demand? To whom did he make that demand?

A To Consul General Young.

Q Did your husband tell you what Dr. Young told the Japanese?

A Dr. Young refused them.

GENERAL DONOVAN: On all of these exhibits, these photographs, where it says, "Photograph of murdered student," that will be deleted; that is on Prosecution's Exhibits 382 and 383.

LIEUTENANT WHITE: Yes, sir.

Q (By Lieutenant White) Do you know what time the Chinese Consul group left Villamor Hall?

A They left on the 28th of March, 1942 for Fort Santiago.

Q Do you know who went to Fort Santiago besides your husband?

A The other seven members.

Q Were all members of the Chinese Consul group kept in one room at Villamor Hall?

A Yes, they were kept in the same room.

Q Can you tell us whether they were all taken to Fort Santiago the same day?

A They were all taken to Fort Santiago on the same day, yes.

Q Now, did you see your husband at Fort Santiago and the other members of the consulate group?

A I went to Fort Santiago often, but saw my husband together with the other seven only once, that was on the 16th of April 1942.

Q When you went to see your husband at other times before the 16th of April, did anyone else go with you?

A I often went alone because I live alone and not together with the other wives.

Q Did the other wives go with you at different times?

A Yes.

Q What were you told by the Japanese?

A When we went to see them we were refused; the sentry just refused us to see them.

Q Now, you saw your husband on the 16th of April. Will you just relate to the Commission what happened at that time and what he said to you? Will you relate the circumstances of your visit to your husband on the 16th of April?

A On the 16th of April, I went to Fort Santiago. There I met the other wives, Mrs. Yao and Mrs. Young and Mrs. Mok. Then we went to the ground floor. I saw the eight from the Chinese Consulate. They came across to us; about 25 feet away from us. They could not talk with us and we cannot talk with them because the sentry will not allow us to do it.

At that time I saw them; they were all very thin; they were all in undershirts and tops, all barefooted, without shoes.

Q How many of them were there?

A There were eight of them.

Q The same men that were at Villamor Hall?

A Yes.

Q Did your husband say anything to you at all?

A No.

Q Did he wave his hand?

A No, because the Japanese sentry looks at him. He did not allow them even to walk any farther.

Q What time of day did that happen?

A At noon of April 16th.

Q Now, did you go back together with the other wives of the consulate group to Fort Santiago later?

A I did not go on the 17th of April, but Mrs. Young came to my house on the 17th of April about noon. She told me that the Japanese would allow us to see our husbands on the morning of the 18th. She told me to prepare to go to Fort Santiago on the morning of the 18th.

Q Did you go there with the other wives on the morning of the 18th?

A Yes, all of us; six wives went there on the 18th morning.

Q Will you tell the Commission what happened that morning in your conversation with the Japanese?

A When we were in Fort Santiago on the 18th, Mrs. Young told us that on the 17th, the afternoon, the Japanese told the president of the Chinese Association that we don't need to go the following day. She asked, "Why," and the president of the Chinese Association did not say anything at that time.

So we all went on the 18th morning. We were all waiting there for about an hour. Mrs. Young was looking for the officer in charge, that Nishimura.

Q What was his name again?

A Nishimura; and then he allowed only Mrs. Young to talk with him. So when Mrs. Young came out she told us that Nishimura said that these eight from the Chinese Consulate would be transferred to the Japanese military

administration. She insisted on the whereabouts of these people, but Nishimura said that was a military secret. He also said that he would wire to Tokyo and would wire Tokyo about this and then we may know about it.

Q Did Major Nishimura say he would wire Tokyo for you on this, is that what you stated?

A Yes.

Q Did you receive any boxes or packages of your husband's personal effects at that time?

A Then when we were about to leave Fort Santiago, every one of us received a package. Those were put in one corner of an empty room. In those packages were all the personal belongings of the eight from the Chinese Consulate.

Q How many packages were there?

A Eight.

Q Did you later on, after the 18th, receive any other package from the Japanese?

A About a month later every one of us received an envelope, and in envelope there I found three pesos. In Mrs. Young's envelope she found some hair of Dr. Young.

Q Will you state that again?

A She found some hair.

Q She found some hair?

A Yes, some hair.

Q Did the other widows all receive packages at that time, too?

A Yes.

Q When was the last time that you have ever seen your husband?

A That was on the 16th of April.

Q Of 1942?

A Yes, 1942.

Q Now, calling your attention to the date of June 14th, 1945, were you present in the Chinese cemetery at Santa Cruz, Manila, when an exhumation of a grave took place?

A I was present at that time.

LIEUTENANT WHITE: Will you mark these?

(Photographs marked Prosecution Exhibits 384 to 390 for identification.)

Q (By Lieutenant White) Were any of the other widows of the consulate group present on 14 June 1945 when this exhumation took place?

A Mrs. Mok, Mrs. Young and the mother of Mrs. Young were all present at that time.

Q I hand you these exhibits, Prosecution Exhibits 384, 385, 386, 387, 388 and 389, and ask you to examine them and state whether they are accurate representations of scenes that took place there at that time?

A Exhibit 384 was the lifting of the graves.

Q Mrs. Lu, you may just state whether these pictures accurately represent what you saw at that time. You do not need to describe them.

A Yes.

LIEUTENANT WHITE: Prosecution offers in evidence --

GENERAL DONOVAN: What are those exhibits?

LIEUTENANT WHITE: 384 to 389.

GENERAL DONOVAN: Any objection by the Defense?

MAJOR SKEEN: No objection.

GENERAL DONOVAN: They will be accepted.

(Prosecution Exhibits 384 to 389, inclusive, for identification were received in evidence.)

MAJOR SKEEN: Are you offering three?

LIEUTENANT WHITE: 384 to 389, all the pictures.

MAJOR SKEEN: All the pictures?

LIEUTENANT WHITE: Yes. Prosecution's Exhibits 384, 385, 386, 387, 388 and 389.

MAJOR SKEEN: No objection.

GENERAL DONOVAN: How about the remarks? Are there any remarks on those pictures that should be deleted?

LIEUTENANT WHITE: I don't believe there are any remarks on these that are objectionable.

GENERAL DONOVAN: Defense?

MAJOR SKEEN: No objection to any of them.

Q (By Lieutenant White) Mrs. Lu, on 14 June 1945, when you were present there with the other widows, did you identify any of the remains that were found there at that time?

A My husband's skull was among them. I know it was my husband's skull because I examined the entire lower jaw; by the size and shape of his teeth I recognized it. And he had also a silver filling on the upper jaw.

Q Did you recognize anything of Dr. Young's?

A Dr. Young's sun glasses, and Yao's eye glasses, and the suspender of Consul Chu, the cigarette holder of

Mr. Yang --

GENERAL DONOVAN: That is all right. Just pass on to another subject.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Mrs. Loo, at the time your husband and the other members of the Chinese Consulate were arrested, do you know whether all other Chinese in the City of Manila were interned?

(Translated to the witness by Interpreter Uy.)

A Yes, many of them were interned also.

Q Do you happen to know when the other Chinese were released, those other than your husband?

A They were all transferred to somewhere; I did not know. They were all transferred before the 28th of March, 1942.

Q Until the 28th of March, do you know that they remained interned?

A They remained interned, but transferred to somewhere, not in Villamor Hall.

Q Now, how often did you go to call on your husband while he was at Villamor?

A I used to bring food to him every day. Sometimes I saw him and sometimes not.

Q Now, how often were you permitted to see him? As often as once a week?

(Translated to the witness by Interpreter Uy.)

A About the first two weeks we were allowed to talk -- I am allowed to talk with him, but after two weeks we were

allowed only to bring food, and then put it in a room. We could not talk to them any more.

Q Do you know whether he got this food that you delivered when you didn't see him? Do you know whether he actually got this food which you took to him every day?

A Yes.

Q Did you ever talk to any Japanese about why your husband was interned?

A I asked them, but they did not answer anything.

Q They didn't make any explanation at all?

A No.

Q Do you recall any people, any of the Japanese that you asked?

(Translated to the witness by Interpreter Uy.)

A No, I did not know their name.

Q Now, at Fort Santiago, did you know any of the Japanese officers there?

A I know only Nishimura and Ohta. I know because Mrs. Young went to see these two, and then she told us about them.

Q Did you, yourself, go to see either of these men?

A No.

Q Now, while your husband was at Fort Santiago, how often did you get to see him?

A I did not go often at that time, but only about twice a week, because at that time my sister was very sick, she was sick of bacillus dysentery, and at first I went there several times to ask the Japanese to take him out to help me, because at that time I had nobody to help me at home; and my husband was also a doctor of medicine, so I wanted him to come out and help me. But the Japanese refused that.

Q Who did you talk to about that?

A I talked to an interpreter. I said I wanted to see the officer in charge, but he said the officer in charge

was so busy he did not like to see anybody.

Q You did not get to see any one of the Japanese officers, is that correct?

A (No response.)

Q You mentioned a Chinese association; can you tell me something about that, what sort of an organization it was and who founded it?

A In the month of May, 1942, the Japanese forced the Chinese to form an association so that they can contribute money.

Q Then this association didn't exist before the Japanese arrived, is that so?

A Before the Japanese -- no.

Q Did you have any idea at all as to why your husband and the rest of the Consulate staff were being held? I mean, as to the reasons for it?

(Translated to the witness by Interpreter Uy.)

A My husband told me, because --

Q I mean other than what your husband told you; you have already told us that. Did you have any other source of information as to why he was being held?

A Because my husband and the others were working for the Chungking Government.

MAJOR SKEEN: No further questions.

GENERAL DONOVAN: Questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: The Prosecution calls as its next

witness Gaston Willoquet.

GASTON WILLOQUET

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you give the Commission your full name, age, and nationality, please?

A Willoquet, Gaston; French; 58 years.

Q And what is your official position at the present time?

A Consul General of France in the Philippine Islands.

Q In 1942 what was your official position?

A In 1942 I was the delegate of General De Gaulle in the Philippines.

Q In April, 1942, were you interned in Fort Santiago?

A I was.

Q Were any members of the Chinese Consulate group interned with you in Fort Santiago?

A Yes, there were eight members of the Chinese Consulate, the Chinese Consul himself, and they were in a cell near the one where we were.

Q Do you remember the names of any of the other members of the Consulate group that were there at that time?

A Yes. There was Consul General Kwansung Young; Michael Lee, and my friend; Consul Mok, a good friend of mine, too; the C. T. Wang sons, young, bright men; and Mr. Chu, Mr. Lu, and two or three more interpreters or Vice Consuls, I don't remember their names.

Q Do you know when they were brought to Fort Santiago?

A They were brought to Fort Santiago with us in the same truck.

Q In the last part of March, 1942?

A Yes -- on the 23rd, if I remember right, of March.

Q Handing you Prosecution's Exhibit No. 381, I will ask you to look at that picture and identify by position in the photograph any members that you knew in that group.

A Yes, sir. This is the Consul General Kwansung Young (indicating); this is Mok (indicating); this is Mr. Chu (indicating), if I remember well. But I don't see C. T. Wang's son. They are not all here.

Q That is true. Were these men present in Fort Santiago in April, 1942?

A Please?

Q Were these men that you have just identified on this photograph present in Fort Santiago in April, 1942?

A They were.

Q Now, calling your attention to the 17th of April, 1942, about one o'clock in the afternoon, did anything unusual happen with reference to the Consulate group?

A They were taken out of their cell, and Mok leaned against the bars of my cell and told me, "I think we are going to Muntinglupa."

So I told him, "Better for you; you will be better there than here. You will be better anywhere than here," I told him, "I am sure."

Then after awhile, maybe ten minutes, he came back, and he told us, "There is something unusual. They have taken our fountain pens, our rings, and our objects of

value, and I don't know what that means. What do you think?"

We began to be suspicious that something really unusual was happening. And after awhile he came back again and he said, "They brought a rope," and we saw the effect of that rope; they were tied -- Mok was tied with a rope, his hands, and he could lean against the bars.

He told me, "Do you still believe that the war will be ended next September?"

I said, "Yes; we must be very optimistic. We win the war, don't worry. Everything will be all right."

So they departed. It was the last words I told to my friend Mok. I did not see Consul Young at that time.

Q About what time that afternoon -- you say they were tied together. About what time were they taken out of Fort Santiago?

A Between twelve and one o'clock. We had no watches, and we had no very accurate notion of the time in that cell.

Q Did you see any of the soldiers that took them out from Fort Santiago?

A Yes.

Q Describe them.

A They were Military Police men.

Q Stationed there at Fort Santiago?

A Oh, yes.

Q Now, before April 17, 1942, while you were there at Fort Santiago, did you talk with any members of the Consul group as to why they were being held?

A Yes. I followed the investigations all the time,

since the beginning. They were investigated in Villamor Hotel by a Lieutenant Kichigawa. The most important thing about that investigation was their participation in the anti-Japanese boycott. Kwansung Young was made responsible for that boycott. And he became very much downhearted. I had the opportunity to talk with him, and I said, "Why are you so much depressed?"

He said, "Well, they are looking in that anti-Japanese boycott, and you know how they are. Maybe they are apt to kill us for that."

"Oh, I don't think so. A civilized man doesn't do such a thing. You are exaggerating," I was saying to him.

"Oh, no; you don't know the Japanese as I do," he said, "and yourself, you should be more concerned."

"Oh, no," I said, "don't believe it."

In Fort Santiago, after three weeks in the cell, we were emitting such a bad odor that we were allowed to take a shower at the fire hose, and our Chinese colleagues were also extracted from the cell and took a shower, so I had opportunity to talk for 20 minutes with Kwansung Young, and he was in the same state of mind as he was in Villamor -- very much concerned.

One day I could pass a slip of paper to them, telling them news about the war, and we saw Mrs. Young and Mrs. Mok coming to Fort Santiago, and spoke with them. It was quite unusual, because the sight of Fort Santiago was not very pleasant. I wonder how they did not faint away at the sight of Fort Santiago. So I asked Mok, "Why did you receive a visit from your wife?"

He said, "Because we will be removed to Muntinglupa tomorrow," he said.

On another day he sent me a slip of paper telling me, "Our departure has been postponed eight days." And after eight days, effectively, around one o'clock -- it was the 17th of April -- they were taken, tied to a rope, and it was the last thing we heard about them.

Q When you talked with Doctor Young did he mention to you anything about a demand from the Japanese of a contribution from the Chinese?

A Oh, yes.

Q Will you relate what he said about that?

MAJOR SKEEN: If the Commission please, we have had a lot of hearsay testimony. I object to the continuance of it. This has no bearing on this particular question.

LIEUTENANT WHITE: Sir, I think it has a very material bearing. This conversation that Consul Willoquet is about to relate is a conversation from the official representative of the Chungking Government at that time, and the demands from the Japanese on the Chinese here in the Philippine Islands. I think it is material to show why they were interned there and why they were executed. It is material to the motive.

GENERAL DONOVAN: The witness may answer the question.

A After the first investigation Consul Young told me, he was asked how much money the Chinese contributed for the National Government, and he answered $100,000.

Q (By Lieutenant White) Will you speak a little louder, please?

He said, "Because we will be removed to Muntinglupa tomorrow," he said.

On another day he sent me a slip of paper telling me, "Our departure has been postponed eight days." And after eight days, effectively, around one o'clock -- it was the 17th of April -- they were taken, tied to a rope, and it was the last thing we heard about them.

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GENERAL DONOVAN: The witness may answer the question.

A After the first investigation Consul Young told me, he was asked how much money the Chinese contributed for the National Government, and he answered $100,000.

Q (By Lieutenant White) Will you speak a little louder, please?

A All right.

Then Kichigawa told him, "You must contribute double."

Then, "All right," said Consul Young, "but I feel it is impossible, because business has stopped now and the Chinese cannot gather such a big amount of money."

It seemed that the Japanese dropped the matter, because I never heard any more about that.

Q When was the last time that you saw Consul General Young or Doctor Mok?

A I saw Doctor Mok last on the 17th of April at twelve o'clock.

LIEUTENANT WHITE: You may cross examine

CROSS EXAMINATION

Q (By Major Skeen) Do you know whether the Japanese Government, in 1942, recognized the Chungking Government as the official government of China?

A Yes, they did.

Q Did they recognize the Nanking Government?

A They did not, no.

Q Do you know whether there was any change in the recognition of these two governments by the Japanese about that time?

A I don't think so.

Q Are you in a position to know of that, if it did occur?

A Whether the Japanese Government recognized the Nanking Government?

Q Yes.

A I don't think so.

Q Well, you were in a position at that time to know whether they did or not?

A Yes, I was.

Q In other words, if the Japanese Government had severed or refused to recognize the Chungking Government you would have heard of it?

A Yes, I would have known of it.

Q How long were you in Fort Santiago?

A From the 23rd of March to the 10th of June.

Q Did you have any contact with the outside?

A No, sir, not at all.

Q Well, if there had been a change in the policy of the Japanese Government during that period would you have heard of it?

A No, we would not have heard of it.

MAJOR SKEEN: No further questions by the Defense.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: Will you mark these exhibits?

(Two statements were marked Prosecution Exhibits Nos. 391 and 392 for identification.)

LIEUTENANT WHITE: The Prosecution now offers into evidence Prosecution's Exhibits Nos. 391 and 392, being the sworn statements of May Lo Mok, who is now residing in the United States.

MAJOR SKEEN: We have no further objections, sir.

GENERAL DONOVAN: They are accepted.

Q Well, you were in a position at that time to know whether they did or not?

A Yes, I was.

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(No response.)

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(Witness excused.)

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(Prosecution Exhibits Nos. 391 and 392 for identification were received in evidence.)

LIEUTENANT WHITE: I wish to read certain portions of Mrs. Mok's statement.

GENERAL DONOVAN: All right.

LIEUTENANT WHITE: "Q What is your full name?

"A May Lo Mok.

"Q What is your age?

"A 41 years.

"Q What is your nationality?

"A Chinese.

* * * * *

"Q Are you the widow of K. Y. Mok?

"A Yes.

"Q How long were you married to K. Y. Mok?

"A 18 years.

"Q What was your husband's business?

"A Chinese Consul at Manila.

"Q When was he appointed Consul of Manila?

"A 15 years ago.

"Q Of what government was he Consul?

"A The Chinese Republic.

* * * * *

"Q Did you hear any conversation when the Japanese took your husband away on 8 January 1942?

"A When they took away my husband there was no conversation. They pointed the gun and told him to go and he went.

"Q How many Japanese came for your husband?

"A They surrounded the house. Five or six entered."

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* * * * *

"Q Did you try to see your husband after the morning of 17 April 1942?

"A After I talked to my husband in the morning on the 17th, I went to see the Commander of the Military Police in Fort Santiago, I do not know his name, to try to get to see my husband more often. He told me that all the families of Doctor Young and of the Consulate party could come and see their husbands the following day, on the 18th of April. That afternoon I told the other families that they could come the next day. At about five o'clock that afternoon I was informed by the Chinese Association that there would be no use for any of the families to go and see their husbands on the 18th, because they were no more in Fort Santiago and they have been transferred to some other place."

* * * * *

"Q Did you ever go back to the Japanese authorities at Fort Santiago?

"A Yes, in spite of this information, I went to Fort Santiago the next day, 18 April 1942.

"Q Did you go alone?

"A No, I went with Mrs. Young, wife of the Consul General, and with the rest of the families.

"Q To whom did you talk?

"A I did not see my husband at that time. Some Japanese soldiers, whose names I do not know, said that my husband was not there. He was far away and I could not see him. Then we insisted on seeing the Commanding Officer of the Japanese Military Police. We saw him. I do not know his name. I asked him where was my husband. The Commander

* * * * *

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answered like this: 'They are not under our custody any more. They have been transferred to the Army.' I went to different Military Chief, I do not know his name either, in another building in Fort Santiago. May be this was on the next day. I asked him where was my husband. He told me that my husband was far away and I could not see him. He told me that his whereabouts was a military secret and that he would have to wire the Emperor. He said that it will take 10 or 12 days for an answer. So I went home and waited for 12 days and went back again and saw the same man and he told me that he was sorry but he could not give me an answer because the Emperor said 'No.' He said it was a military secret. He said, 'Don't come any more.' On the 18th of April, 1942, the Japanese gave me a package with my husband's suit, underwear and everything, except his eye-glasses, even his fountain pen and everything, but not the eye-glasses."

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused, with three members of Defense counsel, is present. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Do you intend to call your first witness on this specification back again? I see she is in the courtroom.

LIEUTENANT WHITE: No, sir.

MAJOR SKEEN: We have no objections to her being here.

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LIEUTENANT WHITE: No, sir.

MAJOR SKEEN: We have no objections to her being here.

GENERAL DONOVAN: Do you have some other witnesses outside?

LIEUTENANT WHITE: Yes.

GENERAL DONOVAN: I would like to get rid of the witnesses, if we can.

LIEUTENANT WHITE: Would you mark these, please?

(A group of statements were marked Prosecution Exhibits Nos. 393 through 397 for identification.)

LIEUTENANT WHITE: I would like to offer these statements into evidence. Counsel for the Defense have stipulated that these statements may be offered for the purposes of identification of the bodies of the scene of exhumation of those members of the Chinese Consulate.

MAJOR SKEEN: That is correct.

GENERAL DONOVAN: They will be accepted into evidence.

(Prosecution Exhibits Nos. 393 through 397 for identification were received in evidence.)

PELAGIO REYES

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you state your full name?

A Pelagio Reyes.

Q Your age?

A Fifty-six years old, and I am married.

Q Your nationality?

A Filipino citizen.

Q What is your position at the present time?

A At the present time I am in charge of the North Cemetery.

Q In April of 1942, will you state your position?

A The same; my position was in charge of the North Cemetery.

Q Did you have any duties in April, 1942, with reference to the Chinese Cemetery at Santa Cruz?

A Will you repeat that again?

Q Did you have any duties with reference to the Chinese Cemetery in April of 1942?

A As far as I remember, on April 17, 1942 --

Q Just a minute. Where is the Chinese Cemetery with reference to the North Cemetery?

A In the western part of the North Cemetery.

Q In April of 1942 did the Japanese give you some duties with reference to the Chinese Cemetery, also?

A Yes, sir.

Q When were they?

A A band of Military Police came, Japanese Military Police, came to the office of the North Cemetery and hold my arms and take me down to the Chinese Cemetery, and showing me the length of graves, and the width and the depth that I have to dig up for some executions that they have to make that day.

Q Was that on the morning of the 17th of April?

A Yes, sir, the 17th.

Q About what time in the morning?

A At about eight o'clock in the morning.

Q How large was the grave that they ordered dug?

A It was about eight meters long, about one meter and a half wide, and one meter and a half deep.

Q That afternoon about three o'clock did you witness any executions in the Chinese Cemetery?

A Yes, sir.

Q From about how far away did you see the executions?

A Probably about every 300 meters.

Q Did you make a record of that execution at that time?

A I have a record of it in my memorandum book, secretly kept in my safe, which General Whitney got from me.

LIEUTENANT WHITE: Will you mark this for identification?

(A document was marked Prosecution Exhibit No. 398 for identification.)

GENERAL GARD: Will you read the last question and answer, please?

(Question and answer read.)

Q (By Lieutenant White) Handing you what has been marked for identification purposes Prosecution's Exhibit 398, I will ask you if you know what that is, and tell the Commission what it is.

A This is a photostatic copy of my memorandum book, which I have recorded with my own handwriting.

Q And calling your attention to the entry marked "17 April 1942," I will ask you if that is made in your own handwriting.

A Yes, sir.

Q And was that made on 17 April 1942?

A Yes, sir.

LIEUTENANT WHITE: Prosecution now offers in evidence Prosecution's Exhibit No. 398.

MAJOR SKEEN: No objection, sir.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 398 for identification was received in evidence.)

LIEUTENANT WHITE: You may cross examine.

MAJOR SKEEN: No questions.

GENERAL DONOVAN: "Photograph of page 1 of Record of Executions and Burials."

Did you witness the executions?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Any further questions?

GENERAL GARD: Referring again to this exhibit, Prosecution's Exhibit 398, the entry "April 17 at 3 p.m., eight persons (assorted)", or "a-s-s-t-d."

Explain what that means?

THE WITNESS: That means "assorted."

GENERAL GARD: Assorted what?

THE WITNESS: Eight persons assorted, because you could hardly identify them, whether they are Chinese or Japanese or Filipinos or Americans, so I put "assorted" there.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: Prosecution calls as its next witness Ignacio Santos.

IGNACIO SANTOS

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Rodas, was examined

and testified as follows through Interpreter Rodas:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you state your name, age, and nationality?

A (Through Interpreter Rodas) Ignacio Santos, 54 years, Filipino.

Q What is your position or job at the present time?

A I am a watchman.

Q And where?

A In the Chinese Cemetery.

Q In April, 1942, what was your position?

A I was also a watchman.

Q And in the Chinese Cemetery?

A Yes, sir.

Q On the 17th of April, 1942, in the early part of the afternoon, were you in the Chinese Cemetery?

A Yes, sir.

Q Did you witness some Japanese coming in some automobiles into the cemetery at that time?

A Yes, sir, there were.

Q How many cars were there?

A Two automobiles and two trucks.

Q Will you describe who was in the first automobile?

A They were M.P.'s and officers.

Q And did you observe who was in the second truck?

A Yes, sir.

Q Anybody that you knew?

A Yes, sir.

Q Who was it?

A Doctor Young.

Q And who was Doctor Young?

A He is the Chinese Consul.

Q How far away from these trucks were you standing?

A When they passed by I was just seven meters away.

Q At that time did you know anything unusual was going to happen in the cemetery that afternoon?

A Yes, sir, I knew there was going to happen something unusual.

Q After the cars drove by you where did you go?

A When they passed by I followed, because it was my duty to find out their doings, whoever get into the cemetery.

Q Do you know whether there was a grave dug that morning in the cemetery?

A Yes, sir.

Q Describe now what happened to the Japanese trucks and the soldiers and the people that were in it.

A Yes, sir.

Q Will you describe what happened?

A When they passed by, I followed, and I hid behind the grave of Lai Yip Sang. After they passed by I followed them and I hid behind the grave of Lai Yip Sang, and then watched their proceedings.

They unloaded the truck of the Chinese occupants and put them down near the grave which was dug, previously dug. When they alighted, when they were already down from the truck, they were formed into a circle, and the Japanese in turn formed a circle around them, and the Japanese who

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Q And who was Doctor Young?

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They unloaded the truck of the Chinese occupants and put them down near the grave which was dug, previously dug. When they alighted, when they were already down from the truck, they were formed into a circle, and the Japanese in turn formed a circle around them, and the Japanese who

held the book -- I don't know what book that was -- was reading something to them, or read something to them. After the Japanese had read them what he wanted to read to them, then they were asked to line up near the grave which was dug, and they were fired at; and when they fell in the hole, or in the grave, maybe some of them were still alive, and they were further shot, and some of them were bayoneted.

And then when they were all killed, the Japanese covered their bodies with a thin layer of earth, and afterwards they called other workers in the cemetery to further bury them, cover them with earth.

After the bodies had been fully covered the Japanese left, and what I did was to get a piece of stone and then placed it right in the grave so I would know where the place where they were buried.

That is all I can say.

Q How many Chinese were there lined up on the edge of the grave?

A They were eight.

Q Did you know any one of those eight that were lined up on the grave?

A Yes, sir.

Q Who was it?

A Doctor Young.

Q Handing you this photograph marked Prosecution's Exhibit 381, I will ask you if you recognize the picture of any man here that was on the edge of that grave?

A Yes, sir; this one (indicating). I know him.

LIEUTENANT WHITE: Let the record show the witness is

pointing to a picture of Doctor Young.

Q (By Lieutenant White) Are you sure it was Doctor Young? Explain why you know it was Doctor Young.

GENERAL DONOVAN: That is all right. He has identified him two or three times.

Q (By Lieutenant White) Will you describe these Japanese soldiers that conducted the execution?

A (Through Interpreter Rodas) I do not recognize their faces, but all that I recognized were the arm bands that they wore.

Q Describe the arm bands.

A They had red arm bands with letters printed in black on white backgrounds.

Q Do you know what branch of the Japanese Army they belonged to?

A They are from Fort Santiago.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) How did you know that there was to be an execution on the afternoon of the 17th of April, 1942?

A Because in the morning of that day, between eight and nine o'clock, I was making my daily rounds, and I heard the bells of the North Cemetery -- I heard the toll of the bells of the North Cemetery, which indicated that men are needed to work. As soon as I heard the bells toll I went to the office, and I was told that men are needed to dig a grave. And when I went home, I took my lunch -- my dinner, early, and then between one or two o'clock in the afternoon I

waited for the trucks to pass by.

Q Did you know how many people were going to be executed?

A Yes, I knew, because at that time, if they asked us to dig a grave eight meters, there would be eight persons to be executed, because one meter is allowed for every person.

Q Did you say that you went back early just to watch the execution?

A Ever since I have stayed in the cemetery -- I live there.

Q Did anyone tell you to watch for this particular execution?

A Yes, sir, because I was instructed that anything doing in the cemetery should be reported to Gotianse and so that afternoon I reported that that Consul was executed.

Q Who is Gotianse?

A He is the caretaker of the cemetery; he is the one in charge of the cemetery.

Q Now, how far from the place of execution was it when you saw these trucks go by?

A About 100 meters from the place where they were executed to the place where I was hiding.

Q Didn't the trucks go past you before you went to your hiding place?

A Yes, sir.

Q How far was that place from the execution.

A Maybe around 60 meters.

Q You said that you recognized Doctor Young in one of these trucks. Did you recognize anyone else?

A I did not recognize anybody except Doctor Young, because he was the only one who was in line of my vision.

Q Do you know how many Japanese officers were in the cars?

A I did not bother to count how many they were, but I know that in the first car, which is supposed to be the car of the Provost Marshal, there were officers of the Japanese Army.

Q Who was in the second car?

A Maybe they were also officers and surgeons, because even surgeons have got swords among the Japanese.

Q In the first truck, who was riding in the first truck?

A There was Doctor Young and staff.

Q Who was in the last truck?

A Soldiers.

Q What kind of weapons were these soldiers carrying?

A Revolvers.

Q Could you hear anything from where you were hiding, any conversation?

A Nothing, sir.

MAJOR SKEEN: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Were these soldiers, the Japanese soldiers, members of the Kempei Tai?

A I cannot really tell, because during those first days I don't know the insignia they had. All I know is they had revolvers, all of them.

Q (By General Valdes) How was Doctor Young and the other members of the staff dressed when you saw them?

A I saw Doctor Young in a white polo shirt and white pants.

Q Were they blindfolded before they were executed?

A They attempted to blindfold Doctor Young, but he refused, and he refused also to turn his back, so he just faced them.

LEIUTENANT WHITE: I have further question.

REDIRECT EXAMINATION

Q (By Lieutenant White) Will you tell the Commission why you were not able to get closer to the execution?

A Because during that time anybody who gets near a Japanese and does not bow down is liable to receive a stab and a kick and what else, you know, when you know that these people were going to be shot, and I did not get near them because my life is at stake.

GENERAL DONOVAN: We can understand that, all right.

LIEUTENANT WHITE: I have no further questions.

GENERAL DONOVAN: Any other questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: The Prosecution calls as its next witness Matsudo Junzo.

MATSUDO JUNZO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows: through Interpreter Major Pratt, Staff Sergeant Yajima, and T/4 Baba:

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(No response.)

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(Witness excused.)

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LIEUTENANT WHITE: Before I start the interrogation of this witness, if the Commission please, I would like to explain to the Commission that these questions that I shall ask, in order to expedite this examination, shall be asked from this statement. My questions will closely follow a previous statement, so there won't be any question about it. I plan on asking my questions exactly as they have been asked in a previous statement of this witness.

GENERAL DONOVAN: The interpretation will be just as he answers the questions. You can go on any way you want to. Proceed. And make the interpretation as the answers are given.

I wish, too, that you would just remove that statement altogether.

DIRECT EXAMINATION

Q (By Lieutenant White) Will you state your name, age, and nationality?

A My name is Junzo, Matsudo; 41 years; Japanese.

Q In April of 1942 were you a member of the Japanese Army?

A Yes, sir.

Q And where were you stationed about the 17th of April, 1942?

A At the Kempei Tai Headquarters, Fort Santiago, Manila.

Q Who was the commanding officer of Fort Santiago at that time?

A Colonel Seiichi Ohta.

Q Do you know to whom Colonel Ohta was directly responsible.

LIEUTENANT WHITE: Before I start the interrogation of this witness, if the Commission please, I would like to explain to the Commission that these questions that I shall ask, in order to expedite this examination, shall be asked from this statement. My questions will closely follow a previous statement, so there won't be any question about it. I plan on asking my questions exactly as they have been asked in a previous statement of this witness.

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Q In April of 1942 were you a member of the Japanese Army?

A Yes, sir.

Q And where were you stationed about the 17th of April, 1942?

A At the Kempei Tai Headquarters, Fort Santiago, Manila.

Q Who was the commanding officer of Fort Santiago at that time?

A Colonel Seiichi Ohta.

Q Do you know to whom Colonel Ohta was directly responsible.

A The Army Headquarters.

GENERAL DONOVAN: Ask him his rank.

Q (By Lieutenant White) What was your rank at that time?

A Warrant officer.

Q And what is your rank now?

A At the present time I am a second lieutenant.

Q Do you remember that the Chinese Consul officials were confined in Fort Santiago in April of 1942?

A I do not know definitely that they were there.

Q Who was in charge of the party of soldiers that executed the Chinese Consul officials in the Chinese Cemetery in April of 1942?

A The head of the special section of the Military Police, Lieutenant Colonel Kodoma.

Q And to whom did he give the order for the execution of the Chinese Consul officials?

MAJOR SKEEN: If the Commission please, I would like to have this witness qualified to answer these questions. He first stated he did not know whether these people were confined, and it hasn't been shown that he is in a position to know who gave the orders for the execution of the Chinese Cemetery.

GENERAL DONOVAN: I wish you would find out something about what his job was down there. What did he do? How is he in a position to know these things?

MAJOR PRATT: There is an unanswered question before the Commission.

GENERAL DONOVAN: Has he answered the question?

MAJOR PRATT: It was just put to him.

GENERAL DONOVAN: Just eliminate that question and start over again.

LIEUTENANT WHITE: I will withdraw that question.

Q (By Lieutenant White) What were your duties in Fort Santiago in April, 1942?

A At that time I was doing office work at the Office of the Special Section of the Military Police.

Q About the middle of April, 1942, did you and Lieutenant Yanase receive an order to execute some Chinese?

A Yes, I did.

GENERAL DONOVAN: What is this "Special Section"? Find out what this "Special Section" is.

Q (By Lieutenant White) What was the Special Section that you were a member of?

A The gathering of intelligence material and the arresting and investigation of various criminals.

Q From whom did you receive the order to execute these Chinese?

A First, Lieutenant Yanase received the orders from Major Kodoma.

Q Go ahead and tell the Commission how you conducted the execution, and where.

A I am not familiar with the geography, because I had just come into the Philippines at that time, but I remember that we went to the Chinese Cemetery in a car. When we arrived there a long and narrow hole was already dug, and these men were made to sit in front of that hole. Then First Lieutenant Yanase told to the Chinese that in

accordance with the verdict of the Military Commission -- Military Tribunal -- "In accordance with this verdict I hereby sentence you to death." This proclamation was interpreted by the interpreter, Takamiya. One executioner was appointed to one person, and after the proclamation was interpreted the execution was carried out.

Q How many shots did the soldiers fire?

A About three or four times.

Q How many Chinese were shot?

A I do not remember exactly, but I think about seven or eight Chinese were shot.

Q When did you find out that they were Consul officials?

A After I returned to my unit I saw the personal records of these men who were executed.

Q You saw the personal records. Is that the way you determined that they were Consul officials?

A Yes.

Q I hand you this photograph, and calling your attention to the fourth man from the left, was that man present at the scene of the execution?

A I think he was there.

Q Where was Colonel Ohta's office in Santiago?

A There were three buildings. Colonel Ohta's office was in the center building.

Q And how far was his office from the investigating rooms?

A About 30 meters.

Q Now, when you came back from the execution of the Chinese Consul, did you make a report to Army Headquarters

on the execution?

A The reports were written by the Special Section of the Military Police, and I believe the Kempei Tai made the report.

Q To whom was the report addressed?

GENERAL DONOVAN: If he knows.

Q (By Lieutenant White) To whom was the report made, if you know?

A The Army Headquarters, I believe.

Q Isn't it true that you actually wrote the report?

GENERAL DONOVAN: Just a minute. Just ask him if he wrote the report, or what he knows about it.

LIEUTENANT WHITE: I will withdraw that question.

GENERAL DONOVAN: Change the question around.

Q (By Lieutenant White) Do you know how this report -- or do you know who made this report?

A The original was written by the head of the Special Section of the M. P., Kodama.

Q Did you have anything to do with writing it -- I will strike that question.

Did you actually see the report?

A I saw the secretary writing this report.

Q And this report that you saw the secretary writing, was it addressed to Army Headquarters?

A I believe so.

Q Do you mean, by "Army Headquarters," General Homma's headquarters?

A Yes, sir.

Q Then the orders to execute the Chinese Consul officials

came from General Homma's headquarters, is that right?

GENERAL DONOVAN: Just a minute.

MAJOR SKEEN: I object to that question.

GENERAL DONOVAN: He hasn't said anything like that.

LIEUTENANT WHITE: Strike that question.

Q (By Lieutenant White) Did the orders to execute the Chinese Consulate officials come from General Homma's headquarters?

MAJOR SKEEN: I want the witness to be told that if he knows. He has already once testified as to where the orders to him came from.

GENERAL DONOVAN: I would like for you to strike that question.

I would like you to investigate along this line: If these people received a court-martial, and if the court-martial was approved by the Army commander, and if any orders were issued from the Army subsequently, and so forth -- rather than a flat statement.

LIEUTENANT WHITE: Yes, sir.

You may cross examine this witness.

GENERAL DONOVAN: Just a minute.

I want you to ask those questions.

LIEUTENANT WHITE: Sir, I don't believe that this witness knows anything about that. I have another witness that covers that matter, but I don't believe this witness knows anything about that.

GENERAL DONOVAN: He doesn't know anything about the orders?

LIEUTENANT WHITE: Whether they were court-martialled,

or --

GENERAL DONOVAN: Whether the orders came down?

LIEUTENANT WHITE: Whether the orders came down from Army Headquarters?

GENERAL DONOVAN: Yes.

LIEUTENANT WHITE: I will ask him that question.

GENERAL DONOVAN: Do just what I asked just now: Whether or not they were court-martialled, whether they were approved by the Army commander, and whether orders were issued by Army Headquarters subsequently. If he can't answer them, that is what we want to find out.

Q (By Lieutenant White) Do you know whether or not these men were court-martialled?

A I do not know exactly.

Q Do you know from where the order came for their execution?

A I do not know where the orders originated.

Q You received the order from Kodoma, is that correct?

A Yes, sir.

Q And you saw the report being written by the secretary, addressed to Army Headquarters, is that correct?

A Yes, I did.

LIEUTENANT WHITE: You may cross examine.

GENERAL DONOVAN: The Commission will adjourn until 8:30 tomorrow morning.

(Whereupon, at 1625 hours, 17 January 1946, the trial was adjourned until 0830 hours, 18 January 1946.)

(184T)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XV

PAGES 1946 TO 2137

MANILA, P. I.

DATE 18 January 1946

COPY No. 13

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

High Commissioner's Residence,
Manila, P. I.
18 January 1946.

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSA, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA.
BRIGADIAR GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter
FIRST LIEUTENANT CHARLES F. HUSTON, AGD

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

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Matsuta Junzo	1946	1946 1949			1949
Hideo Nishiharu	1951	1953 1959			1956 1958
Jose G. Lukban	1976	1985			1987
Marcelino N. Sayo	1988	1998	1999		2000
Jose S. Diosana	2001				2008
Demetrio R. Ico	2012	2015			2017
Policarpo G. Almeda	2018	2022			2024
Elzie F. Jernigan	2026				
Willard H. Waterous (Recalled)	2035	2044	2052		
Honorata Seraspi	2053	2060			
Angelina Castro	2063	2067			2069
James Baldassarre	2069	2076	2078 2079	2078	2079
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John H. Ball	2091	2100			2107
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E X H I B I T S

PROSECUTION EXHIBIT NO.	FOR IDENT.	IN EVIDENCE	REJECTED
219 through 226		1966	2109
230 through 236		1966	2109
238		1967	2109
240 through 242		1967	2109
244 through 246		1967	2109
247 and 248		1967	2109
250 through 255		1968	2109
257 through 262		1968	2109
263 through 281		1968	2109
282 through 285		1969	2109
286 through 291		1969	2109
292 through 295		1969	2109
297 through 301		1969	2109
393		1962	
394		1962	
395		1962	
396		1962	
397		1962	
399		1965	
400 through 403	2010	2010	
404 through 406	2010	2011	
407	2024	2024	
408	2027	2029	
409	2027	2029	
410	2027	2031	
411	2035		

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with three members of Defense counsel. The Prosecution is present and we are ready to proceed.

At this time, if the Court please, it will be necessary to swear in a new reporter.

(S. Cornelia Peveto was sworn as a reporter.)

MATSUDO JUNZO

the witness on the stand at the time of adjournment, resumed the stand, having been previously duly sworn, was examined and testified as follows, through Interpreters Major Pratt and Staff Serveant Ogita and T/4 Honda:

DIRECT EXAMINATION (Cont'd)

Q Will you tell the Commission with what kind of weapon the Chinese Consul were executed?

A Through Interpreter Ogita) Pistols carried by the noncommissioned officers of the military police.

Q Who gave the signal for them to commence firing?

A After Captain Yanase read the sentence through the interpreter, Takamiya, he told me to raise my hand and to lower it.

Q What happened after you lowered your hand?

A There was one gunner for each man. When I lowered my hand they all fired simultaneously.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Exactly what were your duties in

the investigation section of the military police?

A The duties at the camp?

Q Yes.

A I was the secretary in the special investigating section, and I was doing office work.

Q Tell me some of the details of that office work.

A I worked under Major Kodoma, who was the head of the special investigating section. I handled documents and made mimeographed copies from reports of originals, and I was in the office every day from morning to night.

Q Was it one of your duties to attend all executions?

A Duties are altogether different. My main duty was to work in the office.

Q Did you always attend executions?

A No.

Q Why did you attend this execution?

A At the time of the execution of the Chinese Consuls, the men who usually go out with the other force was away, so Major Kodoma ordered me to be present at the execution.

Q When Major Kodoma gave you the orders for this execution, were they in writing or were they oral?

A I believe they were definitely oral orders to Captain Yanase at first.

Q In what form were the orders to you?

A At first he told Captain Yanase to go out with the other force. However, at the time the men of the other force were absent and he called me and told me to go out.

Q Did you see anything in writing concerning the Chinese Consul prior to the execution?

A I was in the office so I do not know. I was in the office all the time so I never seen and I don't know anything about it.

Q Did you read the document which was read to the Chinese prior to the execution?

A No, I did not read it.

Q Did you know who these men were prior to the execution?

A I did not know. I just knew they were anti-Japanese elemenents.

Q Did you prepare any report after the execution?

A I think it was the day after the execution that I saw the report on the execution being written.

Q Did you prepare it?

A No, the original of that execution report was probably written by Major Kodoma, and I remember seeing some other secretary copying it.

Q Will you repeat what was read to the Chinese just prior to the execution?

A I do not remember the exact text, but it said something about as a result of the verdict of the court martial they will be executed.

Q Do you know the difference between a court martial and a military tribunal?

A I do not know it well, but I think after the Japanese Army landed in the Philippines they installed a military tribunal instead of a court martial.

Q This document which was read to the Chinese, did it mention a court martial or a military tribunal?

A I am pretty sure that it said military tribunal.

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A I am pretty sure that it said military tribunal.

MAJOR SKEEN: No further questions.

GENERAL DONOVAN: Who signed that statement that was read?

MAJOR SKEEN: If the Commission please, I believe he said he did not read it.

GENERAL DONOVAN: What I am interested in is that he might have read somebody's signature.

THE WITNESS: I do not know.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Why were they executed?

A I do not know the details of the crimes they committed.

Q Tell us what you know about the crime, anything about the crime. You must have known something about important people like this.

A I do not know anything in detail about their crimes, but just that they were anti-Japanese elements.

MAJOR SKEEN: I would like to ask one more question.

FURTHER CROSS EXAMINATION

Q (By Major Skeen) After these Chinese were shot were they bayoneted?

A No.

Q Did anyone have a bayonet who was present at the execution?

A No.

MAJOR SKEEN: That is all.

LIEUTENANT WHITE: I have no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) Was Dr. Young the diplomatic

representative of the recognized government?

A I do not know much about those matters.

Q You stated that just before the execution you were ordered by your superior officer to raise your arm and lower it, is that correct?

A Yes.

Q What did you expect to happen when you lowered your arm?

INTERPRETER PRATT: I will have to rephrase the way I said that.

GENERAL TRUDEAU: You will have to rephrase it. Do you understand what I want?

(Interpreter Pratt translated to the witness.)

A (Through Interpreter Pratt) Yes, I know.

Q Knew what?

A They were going to be shot to death.

Q (By General Valdes) According to your testimony they were shot with a pistol?

A They were killed by pistol.

Q Do you know whether they were dead with one shot or additional shots were made?

A I was not used to seeing such instances, so I do not know about those matters very much; but as soon as they started falling I looked away, so I don't know exactly what happened.

Q (By General Gard) Did the soldiers who executed the Chinese carry short swords as well as pistols?

A No, they don't.

Q (By General Donovan) To whom was the report of the

execution made; to what headquarters?

A Army headquarters.

Q (By General Donovan) Who commanded the army?

A Lieutenant General Homma.

GENERAL DONOVAN: Anything further?

LIEUTENANT WHITE: No further questions.

GENERAL DONOVAN: Anything further by the Defense?

MAJOR SKEEN: No further questions.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: The Prosecution calls as its next witness Hideo Nishiharu.

HIDEO NISHIHARU

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Staff Sergeant Ogita and T/4 Honda:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you give the Commission your name, your age and nationality?

A My name is Hideo Nishiharu; 52 years old; I am a Japanese citizen.

Q In April of 1942, what was your position in the Japanese Army?

A I was the head of the legal department, the 14th Army, and I was a prosecutor for the military tribunal in courts-martial of the 14th Army.

Q To whom were you directly responsible?

A The commanding officer of the 14th Army.

Q And who was that?

A It was Lieutenant General Homma.

Q Who was the commander of the military police in the Philippines under General Homma at that time?

A Lieutenant Colonel Ohta.

Q Was Colonel Ohta and the military police directly responsible to General Homma?

A I think so.

Q On 17 April 1942, eight members of the Chinese Consulate headed by Dr. Young, Chinese Consul General, and Dr. Mok, Consul, were taken from Fort Santiago and executed by the military police.

GENERAL DONOVAN: Is that a question?

LIEUTENANT WHITE: Yes.

GENERAL DONOVAN: You will have to start all over again. It will take us a half hour to get that translated.

Q (By Lieutenant White) On 17 April 1942, eight members of the Chinese Consulate were executed by the military police. Do you know anything about that?

A I do not know anything about it.

Q When did you first hear about that case?

A I first found out about it when I came here and was being investigated by the prosecutors.

Q Can you state definitely whether or not they were court-martialed?

MAJOR SKEEN: If the Commission please, before this answer is translated, this witness has already said he knew nothing whatsoever about the case until he was questioned by the Prosecution. I don't see how he can say

definitely whether there was any courts-martial held.

GENERAL DONOVAN: What was the question?

LIEUTENANT WHITE: The question was: Can you state definitely whether or not they were court martialed?

GENERAL DONOVAN: Let him answer the question or try to answer the question.

INTERPRETER OGITA: He will repeat the answer that he gave me.

GENERAL DONOVAN: Just give the answer as he gave it.

LIEUTENANT WHITE: I will withdraw the question.

THE WITNESS: I believe that they were not court-martialed because of the fact that many Chinese were not executed; I think my memory is correct.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Exactly what were your duties on the staff of the 14th Army?

A I am not Staff officer of the 14th Army, but I was the head of the Judge Advocate section.

Q Will you explain the difference between a court martial and a military tribunal?

A Court martial handles the chain of crimes by army personnel, civilians attached to the army, prisoners of war and Japanese residents overseas. Military tribunal is an organization trying the crimes of others.

Q Is that all?

A Yes.

Q Would enemy aliens ordinarily be tried by court martial?

A Enemy aliens other than those who are prisoners of

war are usually tried by military tribunal.

Q Was it part of your job to keep records as to the number of Japanese soldiers tried by court martial?

A It was not my own duty, but it was the duty of my subordinates.

Q Of your immediate subordinates?

GENERAL DONOVAN: I will be willing to admit that answer as "Yes" for you.

LIEUTENANT WHITE: Yes.

Q (By Major Skeen) Can you say the total number of cases that were tried by court martial from January to August 1942?

INTERPRETER PRATT: Will you read back the question?

(Question read.)

A I do not remember exactly, but I think it may have been 70 or 80 people.

Q Was that for all types of crimes?

A I don't remember exactly, but what I do remember is that they were mostly crimes against residents, such as rape and so forth.

Q I gave you the wrong dates before. If I extend the period from December 12th to August 5th, would that change your estimate?

GENERAL DONOVAN: Let's get the dates straightened out.

MAJOR SKEEN: I didn't give any dates; I just said from January to August. I just want to add the month of December.

THE WITNESS: No, they were not changed.

Q (By Major Skeen) Was there any part of the procedure with regard to courts martial which was different during the period from December 12th to August 5th?

GENERAL DONOVAN: Can you change that around a little bit. With these involved questions we will be here for three days trying to get an answer.

MAJOR SKEEN: I will agree that is a poor question. I will try again.

Q (By Major Skeen) Did General Homma require of you the sending of reports to the families of Japanese soldiers who were tried by courts martial?

GENERAL DONOVAN: Tell him to answer "yes" or "no"; that is all we want to know.

THE WITNESS: Yes.

GENERAL DONOVAN: I really don't see what that has to do with the case.

MAJOR SKEEN: This witness if he is in a position to know these things --

GENERAL DONOVAN: If you have him on another Specification, you can bring him back, but on this Specification, I don't see where it has a bearing.

MAJOR SKEEN: On this Specification I will grant you it has no bearing, but the witness is here.

GENERAL DONOVAN: Let's ask him the question on the case we are now trying, that is, the Specification we are now trying. I have no objection to your asking any questions ordinarily, but it is a question of how long we are going to keep this man on one subject.

MAJOR SKEEN: I would like to ask him one more question on the same subject.

GENERAL DONOVAN: All right.

Q (By Major Skeen) Did that continue after General Homma left the Philippines?

A What?

INTERPRETER OGITA: Would you ask the question again?

Q (By Major Skeen) Did that continue after General Homma left the Philippines? Did the sending of reports to the families of Japanese soldiers tried continue?

A After General Homma left for Japan I don't think it was continued.

MAJOR SKEEN: No further questions.

LIEUTENANT WHITE: I have no further questions.

GENERAL DONOVAN: Anything by the Commission?

EXAMINATION BY THE COMMISSION

Q (By General Valdes) As head of the Judge Advocate section of the 14th Army, did you review the investigations made by the Kempei Tai?

A No.

Q As Judge Advocate do you know who made the decisions for death, who sentenced the prisoners to death after the investigation, after the investigations of the Kempei Tai were finished?

A Do you mean men who were brought up in courts martial and military tribunals?

Q In the specific case of these eight Chinese, who sentenced them to death after the investigation by the Kempei Tai was finished?

A I do not know.

Q (By General Trudeau) Was Dr. Young a diplomatic representative of a recognized government?

A I do not know that.

Q Reconsider that answer. As an intelligent and responsible and experienced staff officer, you were definitely in a position to know.

A I do not know. I was not consulted about that matter at all.

Q Was there any other staff officer that would give legal advice to General Homma?

A I had two subordinates who should know about such matters, but if they did know, they should have talked to me about it.

Q Wouldn't it be your responsibility to review any courts martial cases involving capital punishment?

A My duty is to handle the cases which were brought in for courts martial.

Q In other words, Dr. Young was not court martialed or placed before a military tribunal?

A That is right.

Q Do you have any knowledge of any courts martial violations or violations of the Articles of War? Put it this way. Were any Japanese troops court martialed to your knowledge for violation of the Articles of War, the rules of land warfare?

A As I have stated before, I think there are about 70 or 80 cases where the men were tried for violation of Articles of War.

Q Not those; I am not interested in those. I want

violations of land warfare and International treaties and convenants.

GENERAL DONOVAN: We will take a ten-minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present, the Accused, with three members of the Defense Counsel, is present; the Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Will the Reporter read back the question?

(Whereupon the question was read by the Reporter.)

EXAMINATION BY COMMISSION (Continued)

A (By the Witness) As far as I can remember there wasn't any.

Q One more question. Why were American and Filipino soldiers treated as captives instead of prisoners of war° during General Homma's regime?

A I had no connection with such matters so I don't know.

GENERAL TRUDEAU: That is all.

Q (By General McNaught) Did the Commanding Generals of subordinate units have authority to appoint courts martial or military tribunals -- lower units, did they have authority to appoint courts martial or military tribunals? As, for example, the Commanding Officer, 4th Division, did he have that authority?

A They did not.

GENERAL McNAUGHT: That is all.

LIEUTENANT WHITE: I have nothing further.

GENERAL DONOVAN: Anything further?

MAJOR SKEEN: I would like to ask this witness a few more questions.

FURTHER CROSS EXAMINATION

Q (By Major Skeen) Will you explain the organization of a Japanese courts martial?

A In the Japanese courts martial, there are Prosecutors, Judge and Recorder. When a case is handled and brought to trial, the investigator looks over the documents and decides whether it warrants prosecution or not. Then it is reported to the army commander, who is the head of the courts martial and he decides whether to prosecute or not. If order for prosecution is made, the investigator makes the prosecution.

If Prosecution is decided upon, two officers and a lawyer become the Judges and try the case and they determine whether he is guilty or not guilty.

GENERAL DONOVAN: Just a minute. The courts martial procedure of the Japanese army is very interesting, but this witness has testified that he knew nothing about this case one way or the other. One of the members of the Commission asked the question about authority for courts martial and so forth. As far as the Commission is concerned, we have plenty of information on the courts martial procedure for this particular Specification. If you want to bring this witness back in connection with another Specification, that is all right, but we have had enough information on the organization of courts

martial procedure. There is no evidence here that these Chinese consuls, members of the Consulate, were court martialed. There was no evidence at all that they were court martialed, so why bring that up?

MAJOR SKEEN: If the Commission please, I feel this is very material. This witness has testified that, as far as he knows, these people received neither a trial by courts martial or a military tribunal. I propose to show by these questions that he was not in a position to know.

GENERAL DONOVAN: What other questions do you have on this?

MAJOR SKEEN: The trend of the questions will be to go through the organization as far as courts martial are concerned and as to military tribunals and have this witness state that he was not immediately concerned with the records or reports of all of those courts martials and military tribunals.

GENERAL DONOVAN: Let's ask him the question if he knew anything about this particular one. We do not have to ask him about all the cases that were tried.

MAJOR SKEEN: I do not intend to ask him about all the cases, but in order to lay a bases, I would like to have him show us the system that was used.

GENERAL DONOVAN: We have the system so far.

MAJOR SKEEN: All right.

GENERAL DONOVAN: You can ask a couple of questions to bring your point out.

Q (By Major Skeen) Was the verdict of the courts martial final?

LIEUTENANT WHITE: I object to that. That refers to any special courts martial or, in general, to courts martials.

MAJOR SKEEN: I mean in general was the verdict of a courts martial subject to review.

GENERAL DONOVAN: Have you the question now, was the verdict of a courts martial subject to review? That is the question, is it?

MAJOR SKEEN: That is correct.

LIEUTENANT WHITE: In this question the word "review" has been subject to a lot of difficulty. I would like to ask the interpreters if they can interpret to this man the meaning of the word.

GENERAL DONOVAN: The question will be answered and we will take it for what it is worth. Let us go ahead with the question. We are having enough difficulty now.

A (By the Witness) In emergency courts martials I believe there were no reviews.

Q (By Major Skeen) Did you see the result of every courts martial and military tribunal?

MAJOR PRATT: By "result" what do you mean? "Verdict?"

Q (By Major Skeen) Did you see the record of every courts martial and military tribunal?

A I did not see them all?

MAJOR SKEEN: No further questions.

LIEUTENANT WHITE: No further questions.

GENERAL DONOVAN: Witness is excused.

(Witness excused)

LIEUTENANT WHITE: Prosecution now offers in evidence, Prosecution's Exhibit 393, 394, 395, 396 and 397, on which we have an agreement with the Defense Counsel and they are offered for identification purposes of the remains in the Chinese cemetery that were exhumed on 14 June 1945.

GENERAL DONOVAN: If no objection, they are accepted. They are in connection with the remains at the Chinese cemetery, is that right?

LIEUTENANT WHITE: That is right.

MAJOR SKEEN: No objection.

(Prosecution's Exhibits Nos. 393, 394,395, 396 and 397 for identification were received in evidence.)

LIEUTENANT WHITE: Prosecution now offers in evidence Prosecution's Exhibit No. 400, being a sworn statement taken before Assistant Theatre Judge Advocate China Theatre.

MAJOR SKEEN: No objection.

GENERAL DONOVAN: It is accepted.

LIEUTENANT WHITE: I desire to read a portion of this statement. Before I read this statement, I want to explain: There is a reference here to Dr. Young as Yang Kwang Seng in the statement. That is a colloquial that can be used in Chinese for "Young." That will be understood.

"Shanghai, China
30 October 1945

"WANG TIEN SHEN, being first duly affirmed, deposes and says as follows:

"That I am a Chinese citizen. That I arrived in Manila, Philippine Islands, in October, 1941. That my occupation in Manila, Philippine Islands, was that of Assistant Manager of the Manila Office of the China Banking Corporation. That the Japanese Army entered the city of Manila on or about January 2, 1942. That on or about January 7 or 8, 1942 I, together with about 30 other Chinese Nationals, was interned in the compound of the Philippine University in Manila. That when I was interned, the following personnel, whom I personally know, of the Chinese Consulate were then interned in the said compound of the Philippine University:

Consul-General Yang Kwang Seng
Vice-Consul Mr. Mok
Vice-Consul Mr. S. P. Chu

"That I was so interned for about 30 days. That during my 30 days internment 5 other members of the Chinese Consulate, whom I personally knew, were brought to and interned in the compound of the Philippine University, Manila. That these 5 members of the Chinese Consulate were:

Mr. Ln.
Mr. Yao
Mr. Shao
Mr. Yang
Mr. Wang, son of Dr. C. T. Wang

"That in the first week of February, 1942, I was released from internment but volunteered to stay on with the Chinese Nationals to act as interpreter for them. That during the 30 days I was interned at the Philippine university compound the Chinese Consul-General, Yang Kwang Seng was taken by the Japanese to Fort Santiago. That upon his return to the compound he informed me that the Japanese had questioned him about the destruction

of some bank notes and was told by them that if the Chinese community would contribute 50,000,000 pesos to the Japanese, that the Chinese Nationals could be released. That it was impossible to raise that amount of money; therefore the matter was dropped. That sometime in the first part of March, 1942, I was released from the Philippine University compound, at which time the Chinese prisoners other than the members of the Consulate, interned at the University compound were taken to the military prison at Bilibid. The eight members of the Chinese Consulate listed above were then retained at the University compound for about a week, then taken to Fort Santiago.

"That the Consul-General, Yang Kwang Seng, during this period told me that he was not worried about the diplomatic personnel of the Chinese Consulate but that he was worried about the other Chinese Nationals and requested that I do what I could to help them. That while the personnel of the Chinese Consulate were at Fort Santiago no one except their immediate families was permitted to see them and they only once a week. That one morning in April, 1942, several of the wives of the Chinese Consulate members told me that they had had a long visit with their interned husbands at Fort Santiago and that when they left they were requested by the Japanese to take away all clothing and personal belongings of the interned members of the Chinese Consulate, except a few items which could be carried in a hand bag. That Mrs. Yang, the wife of the Chinese Consul-General was one of the women who came to me and informed me of this. That I then telephoned Major Nisimura, head of the Manila Branch of the Japanese Gendarmerie and the head of the military prison at Bilibid. I asked Major Nisimura about the disposition of the 8 members of the Chinese Consulate and where they were being transferred. Major Nisimura informed me that he could not talk to me on the subject. Later the same day Major Nisimura called me on the telephone and asked me to meet him in his apartment that afternoon with Mr. Go Co Lai, later president of the Chinese Association. That that afternoon Mr. Go Co Lai and I went to Major Nisimura's apartment somewhere near the American School in an apartment house. That we entered Major Nisimura's apartment and asked him what it was he wanted to tell us. Major Nisimura said: 'Regarding the members of the Chinese Consulate, I am sorry to inform you that in spite of all my efforts I could not do anything for them. Maybe by this time---while I'm telling you and speaking to you, they are no longer in this world,' or a statement to that effect. That Mr. Go Co Lai then asked that if they were executed, could the bodies be returned to the families for proper funeral. Major Nisimura replied: 'That cannot be done. I am telling you all this as a friend. You must not tell it outside. When the time comes, it will be given to the papers, but until then we cannot reveal anything,' or a

statement to that effect. That the next morning a Chinese man in charge of the cemetery reported to Mr. Go Co Lai that 8 Chinese persons had been executed the day before. That he had witnessed the execution in the cemetery. That about one month later in the month of May, 1942, Major Nisimura asked Mr. Go Co Lai and me to come to his office to pick up the personal belongings of the 8 members of the Chinese Consulate hereinabove referred to. That Mr. Go Co Lai and I went to Major Nisimura's office and there received from Major Nisimura, 8 separate envelopes marked for each of the 8 members of the Chinese Consulate hereinabove referred to. That Major Nisimura also told me at that time that there was a lock of hair of Consul-General Yang Kwang Seng, of the Chinese Consulate, in the envelope marked for him. That I then asked Major Nisimura about locks of hair of the other 7 members of the Chinese Consulate and that Major Nisimura told me that they only extended the courtesy of saving the lock of hair to the head of the Chinese Consulate. That I then took the 8 envelopes from Major Nisimura and delivered them to the families of the 8 members of the Chinese Consulate."

LIEUTENANT WHITE: This will be Prosecution's Exhibit 399, instead of 400, for the record. That concludes all the evidence on the 20th Specification.

(Prosecution's Exhibit No. 399 for identification was received in evidence.)

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present, the Accused is present with three members of Defense Counsel, the Prosecution is present and we are ready to proceed.

CAPTAIN RAFF: Sir, if it please the Commission, at this time I would like to conclude the proof on the Death March with respect to the statements. Defense Counsel and I are in entire agreement on the statements

and they have been deleted, those portions that are to go out, and are ready to be presented.

CAPTAIN OTT: We have no further objections.

GENERAL DONOVAN: How many statements do you have?

CAPTAIN RAFF: Sir, there are quite a few, I think about 50 but none of them are to be read.

GENERAL DONOVAN: There is no objection by the Defense?

CAPTAIN OTT: No, no objection, but I would like to read short excerpts from some of the Affidavits.

CAPTAIN RAFF: I had better give the numbers of these Exhibits.

The Prosecution offers into evidence Exhibits Nos. 219 to 226 inclusive.

(Prosecution's Exhibits Nos. 219 to 226 inclusive, for identification, were received in evidence.)

These are the statements of 1st Sergeant Orville E. Drummond, Major Richard Cordes Kadel, Sergeant Ernest W. Crunkleton, Captain Murray H. Sneedon, Corporal Wm. Francis Schoeffler, Winston A. Jones, and Sergeant Walter Lee Byrd.

The Prosecution now offers into evidence Exhibits Nos. 230 to 236 inclusive.

(Prosecution's Exhibits Nos. 230 to 236 inclusive, for identification, were received in evidence.)

These are the statements of Major Charles C. Foster, Corporal Donald N. Snyder, Sergeant Quentin P. DeVore, Albert Hayes, Albert Hayes, Colonel Menory H. Cain and Colonel Menory H. Cain.

The Prosecution now offers into evidence Exhibit No. 238 for identification the statement of Master Sergeant Clarence M. McCan.

GENERAL DONOVAN: That statement will be accepted.

(Prosecution's Exhibit No. 238 for identification was received in evidence.)

CAPTAIN RAFF: The Prosecution now offers into evidence --

GENERAL DONOVAN: You do not need to repeat that each time. Just go right ahead with the numbers.

CAPTAIN RAFF: Statements marked 240, 241 and 242, the statements of Sergeant Edward Warren, Lewis Victor Taylor, and Walter Lee Byrd.

GENERAL DONOVAN: Accepted. (Prosecution's Exhibits Nos. 240, 241 and 242, for identification, were received in evidence.)

CAPTAIN RAFF: 244, 245 and 246, the statements of Major Gochenour, George Roderick Steiner, Lt. Julian W. Adams.

GENERAL DONOVAN: Accepted. (Prosecution's Exhibits Nos. 244, 245 and 246, for identification, were received in evidence.)

CAPTAIN RAFF: Exhibits 247 and 248, statements of Major George E. Crane and T/4 Emery A. Motisinger.

GENERAL DONOVAN: They will be received.

(Prosecution's Exhibits Nos. 247 and 248 for identification, were received in evidence.)

CAPTAIN RAFF: 250 to 255 inclusive, the statements of Clarence Milton McCan, Richard C. Kadel, Emery A. Motisinger, Michael H. Bruaw, Ordean B. Kittleson and Lewis Victor Taylor.

GENERAL DONOVAN: They will be received in evidence.

(Prosecution's Exhibits Nos. 250 to 255 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 257 to 262 inclusive, statements of Allen W. Gutridge, Fred P. Herman, Albert Hayes, Merl W. Kygar, Memory H. Cain and Memory H. Cain.

GENERAL DONOVAN: They will be received in evidence.

(Prosecution's Exhibits Nos. 257 to 262 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 263 to 281 inclusive, respectively, the statements of Fred C. Dunn, Wm. Dayton Cameron, Walter Lee Byrd, Richard Leo Neault, Claude A. Hatch, Joseph J. Bandoni, Miles A. Taulbee, Joe D. Chavez, Daniel C. Limpert, Clelan A. Dewey, Memory H. Cain, Orville E. Drummond, August McGraw, George E. Crane, Clarence M. McCan, Marvin Lee Brown, Don H. Adams, Herbert S. Ellis, Earl E. Quay.

GENERAL DONOVAN: They will be received in evidence.

(Prosecution's Exhibits Nos. 263 to 281 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 282 to 285 inclusive, respectively, the statements of Lewis V. Taylor, Memory H. Cain and Memory H. Cain.

GENERAL DONOVAN: All those Exhibits will be received.

(Prosecution's Exhibits Nos. 282 to 285 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 286 to 291 inclusive, respectively, the statements of Herbert S. Ellis, Pat F. Barella, Walter Lee Byrd, Captain Edward R. Nell, Memory H. Cain, Memory H. Cain.

GENERAL DONOVAN: Those Exhibits will be received.

(Prosecution's Exhibits Nos. 286 to 291 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 292 to 295 inclusive, the statements of Merrell W. Best, Theodore J. Moran, Allen W. Gutridge, Memory H. Cain.

GENERAL DONOVAN: Accepted.

(Prosecution's Exhibits Nos. 292 to 295 inclusive, for identification, were received in evidence.)

CAPTAIN RAFF: 297 to 301 inclusive, respectively, the statements of Lassiter A. Mason, Robert E. Conn, Major Wm. S. Gochenour, Colonel John W. Primrose, Lieutenant Julian W. Adams.

GENERAL DONOVAN: They will be received in evidence.

(Prosecution's Exhibits Nos. 297 to 301 inclusive, for identification, were received in evidence.)

CAPTAIN OTT: As I stated before, certain portions have been deleted and, as I stated, the Defense has no further objection to them.

GENERAL DONOVAN: Well, they have been accepted. Are there any parts you wish to call to our attention?

CAPTAIN OTT: Yes; very brief, altho there are several in number. I think there is a sentence or two that I shall read, not more than that at any one time.

Exhibit 212, the statement of Michael H. Bruaw, Master Sergeant:

"I do not know who the Japanese officials were who were responsible for our treatment during the Death March, but I believe that the Japanese who guided us and accompanied us were from the 16th Japanese Division which had come from Singapore."

Exhibit 219, the statement of 1st Sergeant Drummond:

"I do not know his name, but he was a Private and spoke enough English to let us know that he participated in the battles of Hongkong and Singapore."

Exhibit 222, the Affidavit of Staff Sergeant Dewey:

"A. No, but we left Manivales on or about 10 April, 1942, and it took us 3 or 4 days to March from there to Cabcaben to Lanao."

Exhibit 224, the Affidavit of Corporal Schoeffler:

"Q. What was the purpose of the Japanese clubbing these people?

"A. No definite reason, I imagine, depending more or less on the individual soldier."

Exhibit 225, the Affidavit of Winston Anson Jones:

"Q. When did you escape?

"A. On the 5th day, we were about ten miles

south of Lamao and 2 enlisted Air Corps men and I managed to hide in a ditch while the march was halted."

Exhibit 232, the Affidavit of Sergeant DeVore:

"Shortly after my arrival there, a Japanese truck came by and the driver asked the passengers if they wanted a ride and I rode on such truck as far as Orani, where I remained all night on the night of 10 April 1942. Starting early on the morning of 11 April 1942, I was marched with a group of prisoners all day until at Lubao, where we were encamped without shelter. On the evening of my arrival at Lubao, 11 April 1942, I again voluntarily accepted a ride in a Japanese truck and rode as far as San Fernando where I arrived on the evening of 11 April 1942."

Exhibit 234, the deposition of Albert Hayes:

"A. It took place at a small town which I believe is named Orani; about ten kiloneters south of the town a group of us had been put on a large truck and carried into the town."

Exhibit 248, the Affidavit of T/4 Motisinger:

"A. They protested to the Japanese guards, but to no avail. There was no Japanese officers around to protest to. Only once during the entire march did I see a Japanese officer."

Exhibit 251, the Affidavit of Major Kadel:

"A. At the time I surrendered my company, the 17th Ordnance, I had five quinine tablets in my pockets. The Japanese guard who searched me found the five quinine tablets and he took them and threw them on the ground and ground them into the dirt with the heel of his shoe."

Exhibit 252, the deposition of T/4 Motisinger:

"Q. Can you name and/or describe any Japanese officers or enlisted men who were in charge of your prisoners on this march?

"A. I cannot. We were guarded by Japanese enlisted men; only once during the whole march did I see a Japanese officer."

Exhibit 253, the deposition of Master Sergeant Bruaw:

GENERAL DONOVAN: The Commission is going to read each one of these.

CAPTAIN OTT: These are very short and I think they bring out what we have in mind.

GENERAL DONOVAN: All right.

CAPTAIN OTT: "A. I believe that the Japanese who guarded us and accompanied us were from the 16th Japanese Division which had come from Singapore."

Exhibit 254, the Affidavit of Corporal Kittleson:

"Q. To your personal knowledge, about how many prisoners of war did you see die on that March?

"A. I have seen 25 or 30 lying on the side of the road.

"Q. Were they moving?

"A. No.

"Q. Were they breathing?

"A. I don't know.

"Q. To your personal knowledge, how many did you see get up and march?

"A. About 10 Americans.

"Q. When you say Americans, do you mean United States personnel?

"A. Yes.

"Q. In whose custody was the United States personnel on that March?

"A. The Japanese soldiers.

"Q. Were the sick and wounded furnished medicine on that March?

"A. They were not.

"Q. Did you see some of the prisoners of war killed by the Japanese on that March?

"A. Yes.

"Q. Did you see any?

"A. I actually witnessed one killing, but I heard of many others."

Exhibit 255, the Affidavit of Staff Sergeant Taylor:

"A. The march to San Fernando required about 8 days and we were on the road from daylight to dusk nearly every day, maintaining a pace of about 2½ miles

per hour and halting for short rests if the guards felt like it. The Japanese soldiers who acted as guards were changed every 2 or 3 kilometers as we passed from time to time into the jurisdiction of another commander whichwould have made it very difficult to say who was in command at any particular time. If we had seen the commanders often enough to identify any of them -- we learned the changes of the command by the issuance of changed regulations, which changes were attributed to the fact that we were under jurisdiction of a new commander."

And again:

"Practically all the American prisoners had canteens when they started from Bataan Peninsula and though they were taken from about 5% of the men shortly after we had started by Japanese soldiers, moving forward to attack at Corregidor, the rest of the Americans had them all the way, but the problem was to get water to put in them."

Exhibit 258, statement of Fred P. Herman:

"A. On either 13 or 14 April 1942, while we were on the Death March, a non-commissioned American soldier and a number of us were allowed to ride in a little bus for about 6 miles."

Exhibit 263, Affidavit of Staff Sergeant Fred Courtwright Dunn, Jr.:

"We were held at San Fernando overnight and then transferred to Camp O'Donnell, Capas, Tarlac Province, Luzon. On about May 7th, 1942, I was trans-

ferred to a barracks at the Ang-Tibay Shoe Factory, 3000 Rizal Avenue, Gracepart, in Manila."

Exhibit 275, statement of Staff Sergeant August McGraw:

"The Japanese started a 'shakedown'of us while we were out in front of the guns, but they finished it after we got into the gulley and had marched to some trucks that were waiting to transport us to Camp O'Donnell."

Exhibit 276, statement of Major George E. Crane:

"I was taken as a prisoner April 9th, 1942, in the vicinity of Mariveles, Bataan, and was marched to Guagua, where I escaped on or about the 22nd day of April, 1942."

"It was the belief among many of the American prisoners that a good part of the Japanese artillery was from a unit that had been sent to the Philippines from Singapore, but said units cannot be otherwise identified."

GENERAL DONOVAN: How many more Affidavits do you have?

CAPTAIN OTT: About six.

GENERAL DONOVAN: Give me the numbers.

CAPTAIN OTT: 277, 286, 289, 291, 293, 294, 299 and 300.

GENERAL DONOVAN: The Commission doesn't care to hear any more remarks. Your remarks have continued about 20 minutes already. The Prosecution stated they

would not be read. We will take particular notice and each one of these Affidavits will be read; 277, 286, 289, 291, 293, 294, 299 and 300, are those correct?

CAPTAIN OTT: Yes, Sir.

GENERAL DONOVAN: You may proceed.

CAPTAIN RAFF: The Prosecution is ready to proceed with Specifications 22 and 23. With permission of the Court, I would like to take them both together, the three witnesses being the same for both Specifications.

CAPTAIN JOSE G. LUKBAN, INF

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Raff) Will you state your name, grade and organization?

A Captain Jose G. Lukban, Infantry, presently on duty with General Headquarters, Philippine Army.

Q Were you a member of the Philippine Army forces on Mindanao in May, 1942?

A Yes, sir, I was.

Q Were you taken prisoner by the Japanese in that month there?

A Yes, I was.

Q Particularly at what place in Mindanao?

A We surrendered at Dansalan.

Q What province is that?

A Lanao, Mindanao.

Q Now, there is a map behind you, Captain; would

you step up to the map and point out the place of surrender?

(Whereupon the witness steps up to the map and indicates the place.)

A Right here, this place.

Q All right, be seated. Who was the commanding officer of the American forces at the time of the surrender?

A Brigadier General Guy O. Fort.

Q How long did you remain in Dansalan?

A We remained until March, 1943.

Q Now, I asked you where the surrender took place and you said Dansalan; is that right?

A That is right.

Q Were you taken from Dansalan after a short period of time?

A We were, sir. We were taken to Camp Keithley.

Q How long were you in Dansalan before you transferred to Camp Keithley?

A About a month; a little less than that.

Q Was it about a week?

A Yes, I remember, about a week after that.

Q How long did you remain as a prisoner of the Japanese at Camp Keithley?

A In camp I was a prisoner myself up to March 5th, 1943.

Q Now, Captain, any testimony that you might give concerning that time please confine to a period not later than 5 August 1942.

A Yes, sir.

Q Do you understand that?

A Yes, sir.

Q Can you tell us something about Camp Keithley? What had it been used for prior to the invasion by the Japanese?

A It was formerly an American camp being used also by Philippine Army personnel.

Q Can you tell us just what there was at Camp Keithley; what buildings?

A There were buildings there, but the buildings were bombed and when we surrendered we were given a certain building that was bombed.

Q How many prisoners were taken at Dansalan along with yourself?

A Around 600.

Q That includes Filipino and American prisoners of war?

A Filipinos and American prisoners of war.

Q Now, during the period from the time you first came to Camp Keithley, until 5 August 1942, will you describe the facilities available to the prisoners at Camp Keithley?

A Well, we were given, as I have said, a bombed house over there and actually the place was a hovel; there was no bedding, the place was dirty, full of dust, and there was no water system and we had to carry our water from the lake, a distance of about 75 yards from that place.

Q What lake?

A Lake Lanao.

Q Now, was any effort made by the Japanese to improve the facilities at the camp up to 5 August 1942?

A There was none.

Q Were there improvements made?

A After Americans had left already, we did it ourselves, the ones who were left there.

Q Will you tell us about the food situation at the camp up until 5 August 1942?

A Well, the food that we are using was our own food. We brought it along and we were contributing from our funds. Later on when the Japanese garrison troops took over, there was an order to turn in all our money. And seven of us, we were able to keep our own money and that is the only money we were using.

Q Explain this chain of command a little more, will you please? When you came to Camp Keithley from Dansalan, who was in command -- who of the Japanese forces was in command?

A Colonel or Brigadier General Oka. They claim that change took place and after a week Oka -- that was changed by the garrison troops under the command of a certain Colonel Tanaka.

Q Did the Japanese supply food to the prisoners from the time of the change; did the Japanese supply any food to the prisoners?

A We were given rice and salt, but it is not enough.

Q Now, was there an organization set up within the prison among a group of the prisoners themselves?

A Yes, we had our commanding officer, and we had our commander of the troops.

Q Who was the over-all commander of the prisoners?

A Brigadier General Guy O. Fort.

Q Will you explain the setup as far as possible?

A Brigadier General Fort was the Commanding Officer -- over-all commander, while Colonel Robert H. Veasey was the commander of the troops. We had our S-1 and that is all as far as the staff is concerned. The S-1 was divided into several groups, labor groups. There was an officer --

Q Did you know a Captain Price?

A Yes.

Q What was his position in the setup?

A He was also a buyer and a purchasing officer.

Q Did you know a Sergeant Chandler?

A Yes.

Q What was his position in the setup?

A He was the one in charge of all American enlisted men.

Q Now, do you recall the time when about four American prisoners escaped from Camp?

A Yes, sir.

Q Did you know the names of those prisoners?

A Yes; I can remember only one though, Knortz. I

couldn't possibly remember the others.

Q Tell us if you know what happened at the time at camp after it was learned that these prisoners had escaped.

A After these four prisoners escaped, Colonel Veasey, Captain Price and Sergeant Chandler were called to the headquarters.

Q Did you actually see them leave the quarters and go to the Japanese headquarters?

A Yes, sir, I saw them going toward the headquarters.

Q Go ahead.

A That was in July in the afternoon of July 3rd, and then the Japanese asked for a list of all prisoners. I was the one who was Assistant S-1, so I turned over this list of prisoners of war to the Japanese and this list indicated all our civilian work before the war. It listed me as a clerk in the Court of Appeals and they got from this list all the men.

GENERAL DONOVAN: Ask him to speak a little louder.

Q Will you speak a little louder, Captain?

A And then they got from this list all the men, the mechanics, the clerks, shoemakers, the tailors, fishermen and all the people they needed in the headquarters. On July 3rd, I was there typing and they were testing how I could type.

Q Where was that?

A Headquarters.

Q Was that the Japanese Headquarters?

A That was the Japanese Headquarters. I saw on the left side Colonel Veasey and Captain Price and Sergeant Chandler. There was a wire screen. I could see through it; it was facing me, and they were given bananas by some of the soldiers there. Some of the soldiers asked for bananas. After a few minutes I saw them guarded and being carried away toward the direction of the signal hill, carrying pick axe and shovels.

Q Who were carrying picks and shovels?

A Well these Americans were carrying picks and shovels. I do not know who, particularly. I can't remember any more --who among the three were carrying the picks and who were carrying the shovels; that was the last time we heard of them.

Q Did you ever see Colonel Veasey, Captain Price or Sergeant Chandler at the camp or anywhere else?

A After that incident we never saw them anywhere again.

Q Now, were there Japanese civilian interpreters at the camp?

A There were about five civilian interpreters; one named Sakata.

Q Did you ever have a conversation with Sakata?

A I have.

A After the incident of the departure of the three Americans from Japanese Headquarters?

A I have.

Q Where and when did that take place?

A In the evening of that day and he told me that Colonel Veasey was a brave man; that they were bayoneted at the foot of the hill and Colonel Veasey was facing the Japanese charging him with a bayonet and Colonel Veasey told him, "Go ahead and beat me in." Captain Price he told me shouted and Sergeant Chandler he told me was looking up at the sky and apparently praying.

Q Now, what happened the following day at Camp Keithley?

A The following day-every morning we were all lined up and there was a roll call.

Q What day was that?

A July 4th.

Q Year?

A 1942.

Q Go ahead.

A And they called up all the men they picked who would have to stay in camp and they picked up around 200 and I was one of those who were left in camp and the others were sent toward the general direction of Iligan.

Q Did you see or did you know a Lieutenant Colonel Navarro, Filipino?

A Yes, sir, he is a sick man.

Q Was he in the group that you saw who left the camp?

A Yes, he left. He was complaining he had a stomach ulcer.

Q Do you know a Major Navins, an American?

A Yes, sir; he is the commanding officer of the 84th Provincial Battalion.

Q Now, you say that you saw the men leave after that?

A Yes, sir.

Q And you remained at Camp Keithley; is that correct?

A Yes, sir.

Q Very shortly after the departure of the balance of the prisoners did you have an occasion to have a conversation with any of the Japanese officers who remained at the camp?

A Yes, sir.

MAJOR SKEEN: If the Commission please, I see no reason why this witness is continually asked to relate conversations he has had with other people.

CAPTAIN RAFF: I think this would be very pertinent with regard to the Specifications.

GENERAL DONOVAN: The question may be answered.

Q (By Captain Raff) When did this conversation take place?

A Soon after the balance of the prisoners of war left.

Q Do you know the name of this Japanese officer?

A Yes, sir; I remember his name. It is Murakami.

Q Now tell us what the conversation was that you had with him?

A I felt sorry; I was sitting down in one of the chairs and he approached me and patted me on the back and said, "Why are you sorry?" smiling at me. I said, "Well, those people, some of my Filipino officers and men are lucky." I told him they are going to be released and besides I am separated from my friends and I have to stay here. And he laughed at me and he said, "You are the one who is lucky." And I asked him, "Why?" Then he motioned to me indicating his feet, "If you tried to walk and can't walk, your head will be cut off." Then he told me that my wife would be probably crying.

GENERAL DONOVAN: Is this testimony in regard to this Specification?

CAPTAIN RAFF: Sir, it is in connection.

GENERAL DONOVAN: In connection with this Specification?

CAPTAIN RAFF: It is for 22 and 23.

GENERAL DONOVAN: Let's get down to the Specifications.

Q (By Captain Raff) Did he say anything?

A He teased me. He said my wife will be crying.

CAPTAIN RAFF: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Captain, do you know how many buildings there were at Camp Keithley?

A Pardon me, sir.

Q The number of buildings?

A There were several buildings, I can't remember the number.

Q Were they all destroyed by bombing?

A No, not all of them, but the one assigned to us was destroyed by bombs.

Q Were there any which were not destroyed or not damaged?

A There were, sir, but they were being occupied by the Japanese.

Q What did you do at Camp Keithley before the war; did you have plumbing?

A Yes, sir, but the pump was destroyed by the gestapo.

Q What did the Japanese do for water? How did they get their water?

A Pardon me?

Q How did the Japanese get their water?

A They had a filtering pump, sir. Of course, they get the same water from the lake. They had filter pumps, we don't have that.

Q When did this Colonel Tanaka assume command of Camp Keithley?

A Sometime in June.

Q About a month after you first went there?

A About a week I think after; June 5th, I believe, because we received the order to turn in all our money on June 5th.

Q Do you recall what Japanese unit that was?

A I really don't know the unit of the Japanese, but he was the commanding officer.

Q If you don't know it is all right; I just want to know if you do know how many Japanese officers there were in that unit?

A I can't say.

Q Do you have any idea as to how many Japanese troops there were?

A Really I don't know.

Q What I am getting at is the size of the unit; was it a company or battalion?

A I have no idea the size of the Japanese battalion or company.

MAJOR SKEEN: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Gard) Captain, did you drink the water from the lake?

A Yes, sir, we had to.

Q Was it chlorinated?

A No, sir.

Q The water was not purified?

A It was not purified.

Q That was the only water available to you?

A Except when it rained.

GENERAL DONOVAN: Witness is excused.

(Witness excused.)

MARCELINO N. SAYO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Raff) Will you state your name, grade and organization?

A Marcelino N. Sayo, Captain, General service, resident of 1116 Bambang, now Adjutant General Office Headquarters, Philippine Army.

Q Now, Captain, will you talk slowly and loudly so we can all hear your answers. Were you a member of the American and Filipino forces in May, 1942, in Mindanao?

A I do remember.

Q Were you a member of the forces?

A I was one of the forces, a member.

Q What was your rank and assignment at that time?

A I was Captain, Infantry, and my assignment was Aide to General Fort, Commanding General of the 81st Division.

Q Were you taken prisoner by the Japanese in May of 1942?

A We were taken prisoner on 27 May 1942 at Dansalan.

Q How long did you remain in Dansalan?

A At the town of Dansalan we remained for a week.

Q And from there where did you go?

A We were transferred to Camp Keithley.

Q Now, Camp Keithley, I believe, was an army installation before the war?

A Yes.

Q Will you describe the condition of the camp at the time you came there from Dansalan as a prisoner?

A We were transferred to Camp Keithley. It was already bombed. The conditions then were not satisfactory, nor the place could not be safe for inhabitation or living. We didn't have beds, no bedding; there were not water systems, no food, nothing adequate for the prisoners.

Q Did you have blankets?

A Not all of us had blankets.

Q Do you know whether all of the prisoners when they were captured, whether they had blankets?

A Yes, now I do.

Q Well, what happened to them?

A The garrison forces confiscated some of the blankets of the prisoners of war.

Q Was there an organization set up under General Fort with respect to the prisoners of war themselves?

A There was an organization, yes.

Q Now, did you know a Colonel Veasey?

A Yes, I remember Colonel Veasey; a Lieutenant Colonel.

Q Do you know what his assignment within the prisoner organization was?

A He was designated to be the commander of the troops.

Q Did you know a Captain Price, and if you did, what his assignment was in the prisoner organization?

A In the prisoner of war organization Captain Price was the Provost Marshal.

Q And a Sergeant Chandler? Did you know him and if so, what his assignment was in the prisoner organization?

A Yes, I remember Sergeant Chandler who was in charge of the roster of troops in the American group.

Q Now, you mentioned that there wasn't sufficient food, a sufficient food supply. Tell us some more about the food situation within the camp.

A In Camp Keithley, the garrison troops confiscated the food supply that we brought from the mountains. Then the Japanese gave us a little rice and a little salt, that is all.

Q Was this food supplemented?

A Yes, by ourselves.

Q Now, do you recall a time -- withdraw that question. How long did you remain at Camp Keithley?

A We remained in Camp Keithley up to the 4th of July.

Q Do you recall a time before you left Camp when four prisoners escaped?

A Yes, I remember that four enlisted men escaped.

Q Do you recall about when that happened?

A After they escaped, the four prisoners of war

belonging to the American group --

Q Do you recall when the prisoners escaped -- the date; that is what I want to know.

A About the end of June 1942.

Q Do you know the name of any of the prisoners who escaped?

A I know at least one of them; his name is Knortz.

Q Was Colonel Veasey or Captain Price or Sergeant Chandler any one of the four who escaped?

A No, sir.

Q Now, tell us what happened in the camp after the escape of these four prisoners of war, giving us only information that you know yourself.

A As I was very close to General Fort, I know that General Fort was called to the Japanese Headquarters and when he came back he informed me that he was made to explain why the four American enlisted men escaped.

Later, however, Colonel Veasey, Captain Price and Sergeant Chandler were called to the Japanese Headquarters and I never saw them in camp again.

Q Do you personally know what happened to Colonel Veasey, Captain Price and Sergeant Chandler?

A I have not seen them so I don't possibly know what happened to them.

GENERAL DONOVAN: That is sufficient on that.

Q (By Captain Raff) Did you hear --

GENERAL DONOVAN: That is sufficient.

Q (By Captain Raff) Now, what happened at Camp Keithley -- I will withdraw that. When, if you know, were the three Americans mentioned taken away, what date?

A In the afternoon of the 3rd of July, 1942.

Q What happened at Camp Keithley following that date? What happened at Camp Keithley the following day?

A Early in the morning, about 4 o'clock, the 4th of July, the Japanese woke us up and told us to assemble in front of the Japanese Headquarters.

Q About how many prisoners of war were in Camp Keithley?

A We were about 560 more or less.

Q What happened next?

A After the assembly the Japanese told us to march.

Q Were the Filipino and the American prisoners of war marched in the same group?

A No, sir.

Q Describe just how you were marched off? What sort of formation?

A We were in columns. There were 5 groups of Filipinos. The sixth group, the last one, was composed of Americans.

Q Did you see the Americans as you were marching off?

A Before we started, the American prisoners were tied.

Q How?

A With ropes. They were in lines of four -- four abreast.

Q Just how were they tied up?

A Those in the extreme right and extreme left were tied with ropes connected to each other.

Q What part of the body was tied up, if you know?

A Their arms, I should say.

GENERAL DONOVAN: We would like to find out about the march. Let's get the story so we can find out where we are going.

Q (By Captain Raff) When you marched off, where were you taken that day?

A We were taken to Iligan, Lanao.

Q How far is Iligan from Camp Keithley?

A Just about 37 to 38 kilometers.

Q What time did you leave Camp Keithley?

A We left Camp Keithley about 10:30 in the morning.

Q When did you arrive in Iligan?

A About 4:30 to 5 o'clock in the afternoon.

Q Of the same day?

A Yes, sir.

Q What were the weather conditions during that march, if you know.

A It was the hottest day in July.

Q Did all the persons who were on that march have full equipment when they started?

A Not all of them.

Q Now, tell us about some that didn't have all of the equipment.

A Those who had baggages were told to leave their baggage behind and the Japanese promised that those baggages would be brought by truck. When we arrived at Iligan, however, the baggages did not arrive there.

Q Now, what I am trying to find out is whether all the men who made the march, whether they were fully clothed or not; did they all have hats, uniforms, shoes?

A Some of them have no more shoes because the Japanese garrison troops got them before we started.

Q Now, did you know a Lieutenant Colonel Navarro?

A I know him, yes.

Q Did he start on the march with you?

A No, sir; when we assembled he shivered and trembled because he was a sick man. Then the Japanese soldier pulled him out of the column and let him sit under a pine tree. When we started, we thought that he was going to be brought back to camp, but later, when we arrived at Iligan, General Fort told me that Colonel Navarro was killed by the Japanese.

Q What was your physical condition when you started on this march?

A I was feverish, suffering from an infected wound on my left leg and I was limping, however, I tried to make out on the hike.

Q Now, describe what happened to you during the hike, to your injury.

A Midway in the hike, that was about 20 kilometers from Camp Keithley, I could hardly walk. I was requesting the Japanese to take me over into the truck where there was a truck, but the Japanese didn't like to bring me on the truck. I have blisters on my feet. My six toenails were removed from marching.

Q You mean you lost six toenails on the hike?

A Yes, six toenails.

Q During this hike did you receive any food or water from the Japanese?

A We did not receive any water. They gave us, however, rice and salt.

Q How many times?

A Once, only.

Q And were you able to get any water at all during the hike?

A Personally I hadn't been able to get any water.

Q Did some of the men; were they able to get water?

A I believe some of them went to get water in the canal.

Q Is that along the route of march?

A Yes.

Q Now, during the march, did you personally witness -- withdraw that question. Were you under

guard throughout this March?

A Yes, I was.

Q Did the same Japanese guards march alongside of you throughout the march?

A No, sir.

Q Well, describe that in detail.

A Every six or seven kilometers the Japanese guards changed reliefs and, incidentally, they gave us a three to four-minute break. As soon as the Japanese guards had been changed, we started to move out again.

Q Now, during the march did you personally witness any atrocities committed on the prisoners, Filipino or Americans?

A I saw at least two clearly.

Q Describe those two incidents in detail.

A The first incident refers to the death of Captain Torrano. About the middle of the march, that was near Momungan, Captain Torrano complained of pains on the leg. He said he was feeling exhausted and, as he fell I shouted for help. Notwithstanding my cry for help, a Japanese guard approached him pointing his gun at Captain Torrano, who was a doctor. I assured the Japanese; I told him that the doctor who fell, Captain Torrano, was a doctor, pointing to the armband on the doctor, on Captain Torrano. I told the Japanese, "doctor, a doctor" and the Japanese didn't do any harm to Captain Torrano because it so happened we covered about six or seven kilometers

and then we stopped and they gave us a three-minute rest.

After the three-minute rest, however, we moved out again and hardly had we covered 300 yards and Captain Torrano complained of pains in the stomach. He said he could not go any farther. I shouted louder for help. I tried to call up the group leader, Major Rivera, and tried to tell him that he should make representations to the Japanese, but Major Rivera was ahead and I, myself, told the Japanese soldier, who came near us, that the Captain was a doctor. I pointed to the red armband of a doctor, but the Japanese guard didn't heed to my request. Instead, he told two enlisted men, Filipinos, to bring the body alongside of the road and after two minutes the Japanese shot him by the head.

Q Did you ever see Dr. Torrano again?

A I never saw him again.

The next incident refers to the killing of a Filipino soldier who got exhausted on the way and sat on a rock, a big rock, stretching his arms and calling for his mother. Then the Japanese guard approached him and just bayoneted him on the chest. I never saw that enlisted man again.

Q Now, did you know a Captain Robert Pratt of the American Forces?

A I remember a Lieutenant Pratt.

Q A Lieutenant Pratt?

A Yes.

Q Did he make the march with you?

A He marched with us.

Q Now, when you reached Iligan, did something happen to Captain Pratt?

A Upon arrival at Iligan, Lieutenant Pratt died. I believe the cause of his death is due to exhaustion.

CAPTAIN RAFF: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Did any of the American or Filipino prisoners on this march have any canteens with them?

A Some of them got canteens.

Q Some of them did?

A Yes.

Q Did the Japanese themselves stop for water at any place that you know of?

A The Japanese guards got water themselves.

Q Did they make a stop for it? How do you know they got water; did you see them?

A I beg your pardon?

Q How do you know the Japanese got water; did you see them getting it?

A During the rest the Japanese guards got water for themselves.

Q Where did they go to get it?

A They got it from the faucetsalong the way.

Q Now, when they changed relief of the Japanese guards, where did the new relief come from?

A The new relief came from the truck, because there were two trucks taken in by the Japanese, one in front and one to the rear.

Q That went on the march with you?

A Yes.

Q Were there any officers on this march -- Japanese officers?

A I have not seen any Japanese officers.

Q At the time that these two people that you mentioned were killed, did you see any Japanese officers?

A No, I saw only a non-commissioned officer.

Q Approximately how many guards were marching with the column at any one time?

A There were four guards per group. That would mean about two guards on one side, four guards per group; that is twenty four guards at a time.

MAJOR SKEEN: No further questions.

CAPTAIN RAFF: I have a couple of questions on redirect examination.

REDIRECT EXAMINATION

Q (By Captain Raff) Captain, will you relate to us what the physical condition of prisoners were when they arrived at Iligan?

A All the prisoners of war were exhausted upon arrival at Iligan. All of us received blisters --

GENERAL DONOVAN: They had the usual things that you would acquire on a 20 mile march, plus not having anything to eat.

Q (By Captain Raff) Will you describe an incident with respect to one Filipino enlisted man's feet?

A The sole of his foot was removed because of the march. He was trying to get medicine from the doctors who were with us, but the doctors didn't have any medicine.

CAPTAIN RAFF: I have nothing further.

MAJOR SKEEN: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Valdes) You testified here that you were the aide of General Fort; is that right?

A Yes, sir.

Q As aide of General Fort, do you know what happened to General Fort after this march from Dansalan to Iligan?

A When we arrived, sir, at Malaybalay concentration camp, I saw General Fort there. He was, however, separated from the Filipino group and after my release from the Capas concentration camp, I was told by an inmate of Ft. Santiago that he was kept there.

GENERAL DONOVAN: All right, that is enough.

Anything further?

(No response)

GENERAL DONOVAN: The witness is excused.

(Witness excused)

JOSE S. DIOSANA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q Will you state your name, grade and organization?

A Jose S. Diosana, Lieutenant Colonel, Infantry, Serial No. 42174. Present assignment, Chairman of the Loyalty Status Board at Camp Murphy.

Q Colonel, in answer to any questions put to you will you answer them loudly and speak slowly?

A Yes.

Q In May of 1942, were you a member of the Filipino forces on Mindanao?

A Yes, sir.

Q Were you taken a prisoner of war by the Japanese in that month?

A Yes, sir.

Q Where?

A In Dansalan, Lanao, sir.

Q When?

A May 27th, 1942.

Q How long did you remain in Dansalan?

A Up to June 5th, 1942.

Q And where did you go from there?

A Camp Keithley, Lanao.

Q How long did you remain at Camp Keithley?

A Up to July 4th, 1942.

Q During your stay at Camp Keithley did you personally witness the mistreatment of any of the American or Filipino prisoners of war there?

A I have seen only mistreated when I was in charge of the labor detail one Filipino who went to urinate without the permission from the Japanese guard. He was called and slapped by the Japanese.

Q Did you know Colonel Veasey at Camp Keithley?

A Yes, sir.

Q Do you know what his assignment was at that camp?

A He was the Commanding Officer of Camp Keithley, Guy O. Fort was the ranking officer of the Americans.

Q Was there a Captain Price and a Sergeant Chandler there, also?

A Yes, sir.

Q Do you know what assignments they had at the camp?

A Captain Price was Provost Marshal for the Americans. Sergeant Chandler was in charge of the enlisted men and reports.

Q Now, sometime in the latter part of June, 1942, did certain of the American prisoners of war escape from Camp Keithley?

A It was somewhere in June.

Q Were Colonel Veasey, Captain Price or Sergeant Chandler among the group that escaped?

A No, sir.

Q Do you know the names of any of the prisoners who escaped?

A No, sir.

Q Do you know what happened to Colonel Veasey, Captain Price and Sergeant Chandler after the escape of four prisoners?

A On June 3rd, 1942 they were called to Headquarters of the Japanese.

Q May I interrupt you? What date was that?

A June 3rd.

Q Go ahead.

A In the afternoon of June 3rd, I was detailed as working in the Headquarters. Right in the front of the Headquarters of the Japanese I saw Colonel Veasey, Captain Price and Sergeant Chandler there.

Q Did you see what happened to them afterward?

A No, sir.

Q Were they taken from the Japanese Headquarters, if you know?

A They were taken from the Japanese Headquarters.

Q Did you actually see them go?

A Yes, sir.

Q In what direction were they taken, if you know.

A To the signal hill, sir.

Q Was that within the camp?

A Yes, sir.

Q Now, did you ever see the two officers, Colonel Veasey and Captain Price, or Sergeant Chandler again?

A No, sir.

Q Now, Colonel, you testified that you were captured on 27 May, 1942?

A Yes, sir.

Q And that you stayed in Dansalan about a week?

A Yes, sir.

Q And came to Camp Keithley on what date?

A June 6th, 1942.

Q You also said that you saw the two officers and one enlisted man, Colonel Veasey, Captain Price and Sergeant Chandler, taken after the escape of the prisoners on 3 June 1942 to Japanese Headquarters?

A Yes, sir.

Q Is that correct; is that the correct month?

A Yes, sir.

Q June?

A That is July, sir, I am sorry.

Q Now, the following day what happened to the prisoners in camp?

A We were made to assemble on the parade ground at Camp Keithley on June 4th.

Q How were the prisoners lined up?

A We were grouped by 50's, by 4 persons in a row.

Q Now, were the Filipino groups lined up ahead of the Americans?

A Yes, sir.

Q Did you notice what was done with respect to the American prisoners of war?

A The American prisoners of war were tied with ropes and wire.

Q Were the Filipinos tied?

A No, sir.

Q Now, you then left Camp Keithley; is that correct?

A Yes, sir.

Q Where were you taken?

A We were marched to Iligan again, sir.

Q With respect to the American prisoners of war, in what column were you from their group?

A I was second to the last in the group of the Filipinos.

Q Now, describe the march that you made from Dansalan to Iligan.

GENERAL DONOVAN: What part of the march do you want him to describe?

CAPTAIN RAFF: I want him to tell how long a distance he marched and what he saw.

GENERAL DONOVAN: All right.

A (By the Witness) We started about 10 o'clock and we arrived at Iligan about 5 o'clock approximately.

Q How far is it, if you know?

A It was 37 kilometers, sir.

Q Now, during this march -- I withdraw that question. Did you know a Major Navins of the American forces?

A Yes, sir.

Q Was he on the march with you?

A Yes, sir.

Q Now, during the march did you witness any atrocities committed by the Japanese upon the prisoners?

A Yes, sir.

Q Describe those.

A When we arrived at Momungan in front of the house, we were made to stop or halt. As we go later, I inspected my men behind. There I saw Jay Navins carried by three Filipino soldiers. He was made to sit somewhat away from the roadside near a banana plant. After five minutes we were told to resume our march. The Japanese guards told Major Navins to resume the march, but he just shook his head; he could no longer march. The Japanese guard was about two meters from Major Navins. By shaking his head he meant he could no longer march with us; then the Japanese soldier fired at him. Major Navins was shot here on the breast (indicating). Blood was coming out. After that, one guard in our group waved his bayonet at me and I was told to march. When I was marching, I heard two more shouts.

Q Did you witness any other atrocities on the march?

A Yes, sir.

Q Describe them.

A Concerning Captain Torrano, between the road Momungan and Abaga road -- Abaga, I passed Captain Torrano laying by the side of the road. Captain Sayo, Captain Ercila, Captain Osorio and Lieutenant Rivera was kneeling beside him. Then they were about 5 meters from him. The Japanese told them to get away from Captain Torrano and one of the Japanese pointed his bayonet at Captain Sayo. Then those four officers left Captain Torrano. When those officers left Captain Torrano, the Japanese guard shouted Shoot Captain

Torrano right here. (Witness indicating by pointing toward his forehead.) While we were also on Abaga Road, I seen an enlisted man who was walking asking for water. When he was not given water because nobody got water among us, he just went to the rock beside the road. He lay down on top of that big rock, spreading his hand like that (indicating), asking for water, but no water. The remains of his group wanted to take him from the rock and the Japanese pointed the bayonet right in their face, and I saw the Japanese guard thrust his bayonet in the enlisted man. The last words that he was saying, he was calling for his mother and his God. Those were the last words that I remember that he was saying when he was dying.

Q Did you see anything else on this march?

A I saw one civilian boxed by a Japanese guard in that march. He was giving us bananas and other things but the Japanese boxed him with his rifle.

Q Did you see any body or bodies along the way on the march?

A Yes, I have seen also one enlisted man by the side of a big rock, bleeding.

Q Could you tell from looking at him, having seen him, the cause of this bleeding?

A No, sir, but he was bleeding by the side of the rock; his uniform was a U.S. one and it was blue denim.

Q Now, when you arrived at Iligan, can you tell us or describe to us the physical condition of the men at that time?

A All of us I think got blisters on our feet from the marching.

Q Could you tell us, if you know, whether all the prisoners on the march had shoes on?

A Most of the men and our enlisted men got no shoes because, while we were in Camp Keithley, the Japanese took them. The men, enlisted men, had no shoes, just wooden shoes on the march, but the wooden shoes were not able to reach the destination.

Q Can you tell us why that was?

A The road -- I can describe first the road.

Q Go ahead.

A The road -- some part of the road was spotted due to the heat of the sun and it was sweltering and there were sharp stones in the road. It was a rolling country which produced plenty of blisters on our feet.

CAPTAIN RAFF: You may cross examine.

MAJOR SKEEN: No questions.

GENERAL DONOVAN: Any questions by the Commission?

EXAMINATION BY THE COMMISSION

Q (By General Gard) Did you drink the water from the lake when you were at Camp Keithley?

A Yes, Sir.

Q Was it purified in any way?

A No, Sir.

Q Why not?

A The Japanese do not give us medicine to purify it, Sir.

Q. Could you boil it?

A Yes, Sir.

Q Did you do that?

A Myself, I think I did, but the others were not allowed, Sir.

Q The others were not allowed to boil the water?

A Yes, Sir, by boiling my water, I stole it from the Japanese soldiers.

Q Were there any American or Filipino doctors in Camp Keithley?

A Yes, Sir.

Q Did they have any medicine?

A As far as I know, Sir, medicine was taken from the Headquarters of General Guy O. Fort.

Q What sort of sickness did the people have at Camp Keithley?

A Malaria, skin disease, some of them were wounded in action.

Q Were there any Japanese medical officers there?

A No, Sir.

Q Did you ever get any quinine?

A No, Sir.

GENERAL GARD: No further questions

GENERAL DONOVAN: Witness is excused.

(Witness excused)

Q. Could you boil it?

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Q Did you ever get any quinine?

A No, Sir.

GENERAL GARD: No further questions

GENERAL DONOVAN: Witness is excused.

(Witness excused)

CAPTAIN RAFF: Will you mark these Exhibits for identification, please?

(Whereupon a group of statements were marked Exhibits 400 to 403 for identification.)

CAPTAIN RAFF: At this time the Prosecution desires to offer into evidence Exhibits 400 to 403 marked for identification, inclusive, being the report of Colonel Eugene A. Mitchell and statements of M/Sgt Richard P. Beck and a second statement of the same person and the Affidavit of Donald G. Hanning, all being with respect to Specification No. 22.

GENERAL DONOVAN: Is there any objection?

MAJOR SKEEN: What was the last one?

CAPTAIN RAFF: Donald G. Hanning. There are deletions agreed upon, Sir.

GENERAL DONOVAN: That is the standing procedure. We do not desire that any of those be read.

They will be received into evidence.

(Prosecution's Exhibits Nos. 400 to 403 inclusive for identification were received in evidence.)

CAPTAIN RAFF: I do not desire to read any of them.

Will you mark these Exhibits, please?

(Whereupon a group of statements were marked Exhibits 404 to 406 for identification.)

CAPTAIN RAFF: As to Specification 23, Sir, I desire to offer into evidence, Exhibits 404 to 406, being two statements of Richard P. Beck and one of Major Charles H. Wyatt.

GENERAL DONOVAN: If there are no further objections, they will be accepted.

(Prosecution's Exhibits Nos. 404 to 406 inclusive for identification were received in evidence.)

CAPTAIN RAFF: That concludes the proof on Specifications 22 and 23.

GENERAL DONOVAN: I would like to get a copy of these statements that you have just submitted to the Commission.

CAPTAIN RAFF: Yes, Sir.

GENERAL DONOVAN: Anything further?

(No response)

GENERAL DONOVAN: We will recess until 1330.

(Whereupon a recess was taken at 1135, hours 18 January 1946 to 1330 hours 18 January 1946.)

GENERAL DONOVAN: If there are no further objections, they will be accepted.

(Prosecution's Exhibits Nos. 404 to 406 inclusive for identification were received in evidence.)

CAPTAIN RAFF: That concludes the proof on Specifications 22 and 23.

GENERAL DONOVAN: I would like to get a copy of these statements that you have just submitted to the Commission.

CAPTAIN RAFF: Yes, Sir.

GENERAL DONOVAN: Anything further?

(No response)

GENERAL DONOVAN: We will recess until 1330.

(Whereupon a recess was taken at 1135 hours 18 January 1946 to 1330 hours 18 January 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with four members of Defense counsel. The Prosecution is present and we are ready to proceed.

LIEUTENANT WHITE: The next evidence to be offered will be with reference to Specification No. 25 only.

The Prosecution calls as its first witness Demetrio R. Ico.

DEMETRIO R. ICO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you give the Commission your full name, age, and nationality?

A My name is Demetrio R. Ico; Filipino.

Q What is your nationality?

A Filipino.

Q What is your age?

A I am 26 years old.

Q Where do you live at the present time?

A At the present time I live at the Manila Hotel Camp Area.

Q What is your present occupation?

A I am working as special investigator for the War Crimes Commission; lieutenant, Philippine Army.

Q Were you engaged in the hostilities with the Japanese on Bataan in the spring of 1942?

A Yes, sir.

Q Did you escape from the march of the prisoners after the surrender of Bataan?

A Yes, sir.

Q Calling your attention to July, 1942, what work were you engaged in at that time?

A I was working with the Manila guerrillas known as the 34th Guerrilla Division, under Colonel Ramires.

Q About the end of July, 1942, will you tell the Commission if you were present near Nichols Field, Manila?

A At the latter part of 1942 and the first few days of August, 1942, I was at Nichols Field working as a laborer.

Q How did you get to Nichols Field?

A I worked, I disguised myself as a laborer.

Q When you were working at Nichols Field did you observe any American prisoners of war?

A Yes, sir.

Q Tell the Commission what these American prisoners of war were doing.

A They were busy building the hangars and the landing field at Nichols Field.

Q Do you know what the Japanese used Nichols Field for?

A They used it for an emergency landing field for the landing of planes.

Q About how many prisoners of war were there, if you know?

A I cannot tell. I personally did not count the number

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A Yes, sir.

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A They were busy building the hangars and the landing field at Nichols Field.

Q Do you know what the Japanese used Nichols Field for?

A They used it for an emergency landing field for the landing of planes.

Q About how many prisoners of war were there, if you know?

A I cannot tell. I personally did not count the number

of prisoners of war. I thought there was around 300 or 400 of them.

Q Do you know where these prisoners of war lived?

A They are quartered at the Pasay Elementary School Building.

Q How far is that from Nichols Field?

A About a kilometer or more from Nichols Field.

Q Did you observe the condition of these prisoners of war with reference to their clothing, their physical condition, and so forth?

A I observed the American prisoners of war are dressed poorly, half of their clothing gone. They were bare, sometimes, with torn pants and no shoes. In short, they are like beggars. They were not treated like they should be treated under international law.

Q Calling your attention to the condition of their bodies, were they well-fleshed or were they thin?

A They were thin and haggard.

Q Did you observe, while you were there in the last part of July of 1942, any beatings or torture of American prisoners?

A The first time I entered the area I noticed three Americans being beaten by the Japanese.

Q Where did you observe that?

A They were taken at the place where they were working. They were being beaten by the Japanese.

Q Were these Japanese soldiers?

A Yes, sir, they are Japanese soldiers; enlisted men.

Q Are you sure they were members of the Army?

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Q Were these Japanese soldiers?

A Yes, sir, they are Japanese soldiers; enlisted men.

Q Are you sure they were members of the Army?

A Yes.

Q What did they beat the soldiers with?

A They used the butt of the rifle.

Q While you were there at Nichols Field did you suffer any torture yourself?

A The second day I was there I was slapped by a Japanese sentry.

Q And what were you slapped for?

A For failing to bow before the Japanese sentry, sir.

Q How long did you stay at Nichols Field?

A I worked there two days, sir.

Q Did you ever have an opportunity to talk to any of the American prisoners of war?

A We were not allowed to talk to the American prisoners of war. As a matter of fact, when one of my friends was trying to speak to one of the prisoners of war he was taken from him and beaten and clubbed, too.

Q Did ycu notice any incident with reference to American prisoners who were forced to face the sun at Nichols Field?

A On the second day I observed several American prisoners were being taken by the Japanese and were forced to face the sun, directly in the sun.

Q Just describe how they did that.

A Well, they were haggard, and they had one group there, and the Japanese forced them to face directly to the sun, sir.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Were you a prisoner of war yourself

A Yes.

Q What did they beat the soldiers with?

A They used the butt of the rifle.

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Q And what were you slapped for?

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LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Were you a prisoner of war yourself

A No, sir.

Q What were you, a civilian laborer?

A I was -- I escaped from Bataan during the Death March.

Q Were you under guard of the Japanese?

A No, sir.

Q Why were you working at Nichols Field?

A We were working the landing field; as a laborer I was there. We were laboring on the landing field, sir.

Q You were then a civilian laborer working for the Japanese, is that so?

A In that case I was a civilian doing the work, but I escaped from Bataan.

Q Did the Japanese know that you had escaped from Bataan?

A They didn't know, sir.

Q Do you know whether the Navy ever used Nichols Field, the Japanese Navy?

A It was used by the Navy for some time in 1943.

Q What was said, again?

A Nichols Field was used by the Navy sometime in 1943.

Q Do you know whether it was being used by the Navy in July, 1942?

A It was used by the Japanese Army.

Q Do you know the difference between Japanese Army personnel and Navy personnel?

A Yes, sir.

Q Did you see any naval officers at Nichols Field at all?

A I did not see anyone, sir. I didn't see anyone at

Nichols Field.

Q Did you work every day at Nichols Field?

A I worked there two days.

Q How many days?

A Two days.

Q Were those two days following each other?

A Yes, sir.

Q And what were the exact dates of those?

A Pardon me, sir?

Q What dates were those?

A 1st of August and 2nd of August.

Q Have you ever been to Nichols Field at all during July?

A I used to be there, outside the area.

Q How many times during July did you observe the area at Nichols Field?

A The latter part of July I stayed at Baclaran.

MAJOR SKEEN: No further questions.

LIEUTENANT WHITE: Prosecution has no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Gard) When you saw the prisoners of war working at Nichols Field were they working on the landing strip itself?

A Yes, sir.

Q Were they working on taxi ways?

A Yes, sir.

Q Revetments, those earth walls they built around planes to protect them from bombing?

A They were busy with the runways, sir.

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A They were busy with the runways, sir.

Q Did you see any Japanese planes using Nichols Field?

A Yes, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: Prosecution calls Policarpo G. Almeda.

POLICARPO G. ALMEDA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant White) Will you give the Commission your full name, your age, and your nationality?

A Policarpo G. Almeda; Filipino; 36 years old.

Q Where do you live, Mr. Almeda?

A 109 Park Avenue, Pasay, Rizal.

Q What is your present position?

A I am a lawyer.

Q Do you have any special position or occupation?

A I was working in the office of the Administration of Pasay.

Q In June -- rather, in May, June, and July, 1942, where did you live?

A I live at the same place, 109 Park Avenue.

Q How far is that from the Pasay Elementary School?

A That is directly opposite the Rizal Avenue school.

Q Calling your attention to the spring of 1942, do you remember when American prisoners of war were first quartered at Pasay Elementary School?

A So far as I can remember there were three bunches of

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A Yes, sir.

GENERAL DONOVAN: The witness is excused.

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A So far as I can remember there were three bunches of

American prisoners of war brought to that place. The first time it was the latter part of January, 1942; then the second bunch came around March, 1942; then after that the third bunch was during 1942 until the departure.

Q You say the second group came in the last part of March, 1942?

A Yes, sir.

Q Now, in the questions that I ask you now, please confine your answers to the period up to the 5th of August, 1942. Do you understand that?

A Yes, sir.

Q Did you notice the Japanese that were in charge of the American prisoners of war?

A I know that the Japanese was in charge of this bunch that came in the early part of March, 1942 -- the Japanese Army.

Q Was the Japanese Army in charge of them through August, 1942?

A Yes, sir.

Q Do you know where these prisoners of war worked?

A It is common knowledge in our place that these prisoners of war worked in the Nichols Air Field, or Camp Nichols.

Q Now will you describe to the Commission any change in their physical condition that took place between the time that they first came there up to 5 August 1942?

A When the second bunch of Americans came they were ~~healthy~~, but when they became working there they became sickly, bony and pale, hollow, and lame, and most of them

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A When the second bunch of Americans came they were ~~healthy~~, but when they became working there they became sickly, bony and pale, hollow, and lame, and most of them

were very sick.

Q What time did they go to work in the morning?

A At exactly a quarter to seven. They were lined up on the street on Park Avenue facing toward Camp Nichols or Nichols Air Field.

Q Did you see them, yourself, lined up?

A Yes, sir.

Q What time would they come back in the evening?

A Five o'clock.

Q How many days of the week were they working?

A They worked the whole seven days that week.

Q Do you know of any days that they did not work?

A I don't know of any days in which these prisoners of war stopped working.

Q Calling your attention to when they came back in the evening during this period of time did you notice anything unusual about the marching column?

A These prisoners of war, sometimes when they came back, some of them were limping; some were being carried by their companions. And when an American dropped because of exhaustion the Japanese guard used to use his rifle, batting him with the edge of his gun. They were kicked, sometimes, when they fell.

Q Did you observe any American prisoners of war being carried?

A Several prisoners of war were being carried by co-American prisoners.

Q How about their clothing?

A Most of them were dressed in rags. They had only

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their pants, and some of them did not have any clothing at all.

Q Did they have any shoes?

A They did not have shoes. They did not have shoes. Some of them were using Filipino wooden shoes.

Q Did you observe any special instances of beating and torture?

A Yes, sir.

Q Will you describe to the Commission what you saw?

A At that period I heard a commotion at the porch of the Pasay Elementary School. I peeked through the window and I saw two Americans were there with hands tied at their backs, being tied in an iron door, with their feet hanging.

Q Do you remember about what time this was, what month?

A It was either in the month of June or July.

Q Were you allowed inside of the Pasay Elementary School yourself?

A We were never permitted to get inside of the Pasay Elementary School, but because our house was quite high, overlooking the building, I could see distinctly everything that happened on the porch.

Q But not inside the building?

A No, sir.

Q Was anybody allowed to go inside the Pasay Elementary School?

A Nobody was allowed to get inside the prison compound.

LIEUTENANT WHITE: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) How do you know that was the Japanese Army that was in charge of these prisoners?

A I am positive it was the Japanese Army, because they were wearing caps with stars on their caps.

Q Did you see any Japanese officers at the Pasay Elementary School?

A Yes, sir.

Q How many?

A Maybe three.

Q Did they live there all the time?

A Yes, sir.

Q Now, these prisoners which you say were in such bad shape coming back at night, how do you know it was the same prisoners?

A Because I was there.

Q How did you know that they were the same prisoners that went out in the morning?

A By golly, I have been staying in that place for -- I have been staying there, so that I could very well identify those prisoners if I would see them come back again.

Q Did you recognize their faces? You knew they were the same ones?

A Yes, I can identify them.

Q How far off was this? How far off were you at the time you observed the mistreatment of the two Americans?

A Many times.

Q How far were you?

A How far am I?

Q From the place where these two Americans were beaten.

A Our house was overlooking the lawn of the Pasay Elementary School; it is about 15 meters from our house.

Q What time of the day did this occur?

A It occurred at around seven o'clock in the morning.

Q How many Japanese soldiers were involved -- I mean, were there at the beating?

A The Japanese soldiers who were there at that time were those left after the other prisoners of war went to the fields.

Q Do you know how many there were? Do you recall the number?

A In fact, I don't know how many Japanese soldiers come there; maybe not more than 20 or 30, something like that.

Q Tell me this: How many were actually engaged in the beating?

A Three.

Q In the beating of the two Americans?

A Yes.

Q Were there any officers present at the time, that you recall?

A The officer who was wearing -- that man whom we thought to be the officer of the camp, the one in charge of the camp, was at the porch at that time.

MAJOR SKEEN: No further questions.

THE WITNESS: He could see the beatings of those Americans at the time there.

MAJOR SKEEN: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) How far would you say it is from the Pasay Elementary School to Nichols Field?

A I beg your pardon?

Q How far; how much distance?

A It is more than a kilometer, I think.

GENERAL TRUDEAU: That is all.

GENERAL DONOVAN: Anything else?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT WHITE: Will you mark this as our next exhibit?

(A statement was marked Prosecution Exhibit No. 407 for identification.)

LIEUTENANT WHITE: The Prosecution now offers into evidence Exhibit No. 407, being a sworn statement, a certified true copy of a sworn statement of Alvin A. Staus, Tech. Sergeant, a repatriated American prisoner of war.

MAJOR SKEEN: No objection.

GENERAL DONOVAN: It is accepted into evidence.

(Prosecution Exhibit No. 407 for identification was received in evidence.)

LIEUTENANT WHITE: I desire to read a portion of this statement.

GENERAL DONOVAN: All right.

LIEUTENANT WHITE: "Q. As a prisoner of war were you or any of the other American prisoners of war ever forced to perform labor on a Japanese military installation?

"A. Yes, sir.

"Q. Tell where that labor was performed, what you were doing and the general circumstances surrounding it.

"A. About 25 July 1942 the Japanese forced us to furnish some 500 men to work at Nichols Field Airport which was being used by Japanese military personnel as well as their combat, fighter and bombing planes. They were enlarging the field (hangars, runways and administration buildings) and forced us to do the work for them. While we were performing this work we were housed at the Pasay Intermediate School on Park Avenue, Manila, Luzon, P. I.

"Q. State briefly the housing and sanitation facilities furnished and the food that was given you during your stay.

"A. We were housed in the school building which was made up of small rooms about 30 feet by 30 feet with 50 men to a room. We were given smooth boards to place on the floor for beds. We were given plenty of water while we were in the school house, but we were not allowed to drink any water while we were at work, which was from dawn to dusk. We had one toilet for some 500 men and had very limited bathing facilities which allowed us to wash every few days. We were given rice and fish heads three times a day, but not in sufficient quantities to sustain a working man. During the short time I was there almost every man contracted some type of illness or disease."

With that statement we complete the evidence on specification No. 25.

CAPTAIN CALYER: If the Commission please, the next item is Specification No. 15, which has to do with conditions

at Cabanatuan prisoner of war camps.

We will call Corporal Jernigan.

ELZIE F. JERNIGAN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank, and organization?

A T/5 Elzie Jernigan; Recovered Personnel Division, AFWESPAC.

Q Do you have with you certain original records?

A Yes.

Q How long have you been assigned to Recovered Personnel?

A Since April 4, 1945.

Q And in what capacity?

A I took charge of what was known as the Archives Section.

Q What are your duties in that connection?

A Well, we organize the material that we get from the different prison camps and file it and have it extracted.

Q In that connection have you had occasion to handle certain documents which were obtained from camps at Cabanatuan?

A Yes, sir.

Q Did you know Major Robert Conn?

A Yes, sir, I did.

Q When did you last talk with him, approximately?

A It was sometime in October, approximately.

Q Will you speak a little louder?

A He was here approximately two weeks, and during that time I saw him nearly every day.

Q That is October of 1945?

A I believe that is right, yes, sir.

CAPTAIN CALYER: May I ask permission to have the witness go out and find some records that he left outside?

GENERAL DONOVAN: We will take a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with two members of Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN CALYER: Will you mark these, please?

(A group of documents were marked Prosecution Exhibits Nos. 408, 409 and 410, for identification.)

Q (By Captain Calyer) I show you this document marked Prosecution's Exhibit No. 408 for identification and ask you if you can state what that is.

A It is a map of Cabanatuan Camp No. 1.

Q Is that a part of the official records of the Recovered Personnel Section?

A That is right, sir.

Q I show you this document marked for identification Prosecution's Exhibit No. 409 ask you if you can state what that is?

A It is the Cabanatuan Prison Camp No. 3.

Q Is that from the same source?

A Yes, sir.

Q Now, did you have a conversation with Major Conn with reference to these two maps?

A Yes, sir.

Q Will you tell the Commission how these maps came into the possession of the Recovered Personnel Section?

A Well, they were recovered from Cabanatuan Prison Camp and from there they were shipped to Leyte, and from there they were brought back up to here where I first found them.

Q What connection did Major Conn have with these?

A Well, he was the Grave Registration Officer at the camp, and those were part of the records of the office.

Q What did he do with them?

A Well, they were buried with the rest of the records.

Q Did he identify these as the documents which he had buried at Cabanatuan?

A Yes, sir.

CAPTAIN CALYER: If the Commission please, I offer in evidence Exhibits 408 and 409.

LIEUTENANT NATAUPSKY: There is no objection to 408. I would like to ask the witness one question on 409.

GENERAL DONOVAN: It will be accepted.

LIEUTENANT NATAUPSKY: Corporal, did you see the original maps that were presented to you by the Major?

A Those are the originals.

Q (By Lieutenant Nataupsky) Did the Major explain anything about these lines here on this map or were they on the map when he gave them to you?

A Nobody has marked on those maps since we have had them.

LIEUTENANT NATAUPSKY: No objection on 409.

GENERAL DONOVAN: Which lines were you pointing to?

LIEUTENANT NATAUPSKY: There are lines pointing to barracks, I believe, and perhaps they rode out here. I just wanted to know if he knew what they were.

(Prosecution Exhibits Nos. 408 and 409 for identification were received in evidence.)

CAPTAIN CALYER: I wish permission to substitute for those originals a photostatic copy. I might also call attention to the fact that these maps bear dates indicating the time they were made. Each of them was made sub-

sequent to the time covered by this charge. They are offered for the purpose of showing only the general lay-out of Prison Camp No. 1 and Prison Camp No. 3. Those were the best records we could obtain, sir, of the layout of the camps.

GENERAL DONOVAN: You may substitute for the originals. The Commission will take this for what it is worth.

CAPTAIN CALYER: Thank you.

Q (By Captain Calyer) I show you this document or this series of papers marked for identification Prosecution's Exhibit 410, and ask you if you know what they are?

A They are the rules and regulations of the camp.

Q Are they a part of the official record of the recovered personnel section?

A That is right.

Q Did you also talk to Major Conn about these?

A Yes, sir.

Q Where did they come from?

A Prison Camp No. 1, Cabanatuan.

Q Are these also a part of the records which were buried up there by Major Conn?

A That is right.

CAPTAIN CALYER: If the Commission please, I offer these in evidence as one exhibit.

LIEUTEANT NATAUPSKY: No objection.

CAPTAIN CALYER: I also request permission of the Commission to substitute copies.

GENERAL DONOVAN: What signature is that on there?

CAPTAIN CALYER: I don't know. It is a Japanese

signature and I have been unable to find out what it is.

Has that been accepted?

GENERAL DONOVAN: Yes, it has been accepted.

(Prosecution Exhibit No. 410 for identification was received in evidence.)

Q (By Captain Calyer) I show you this document marked for identification as Prosecution's Exhibit 411, and ask you if you can state what this is?

A It is a list of those who died in Cabanatuan No. 1.

Q This is also a part of the record of recovered personnel?

A Yes, sir, it is.

Q Did this come from the same source as the other documents?

A Yes, sir.

Q Which were buried at Cabanatuan?

A Yes, sir.

Q Did you talk to Major Conn about this also?

A Yes, sir, he was very anxious to find out if we had found those.

CAPTAIN CALYER: If the Commission please, I offer in evidence these records, calling attention to the fact that they cover a period considerably beyond that of this charge, and we are offering only so much as is covered by this period ending 5 August 1942.

GENERAL DONOVAN: What else does that show besides the names?

CAPTAIN CALYER: It shows, sir, in column fashion first numbers and then the name, rank, organization where

signature and I have been unable to find out what it is.

Has that been accepted?

GENERAL DONOVAN: Yes, it has been accepted.

(Prosecution Exhibit No. 410 for identification was received in evidence.)

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Q Did this come from the same source as the other documents?

A Yes, sir.

Q Which were buried at Cabanatuan?

A Yes, sir.

Q Did you talk to Major Conn about this also?

A Yes, sir, he was very anxious to find out if we had found those.

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GENERAL DONOVAN: What else does that show besides the names?

CAPTAIN CALYER: It shows, sir, in column fashion first numbers and then the name, rank, organization where

known, serial number of the prisoner, his age where known, his date of birth, date of death, cause of death, nearest of kin and address of the next of kin wherever known.

GENERAL DONOVAN: Is there any preamble at the top as to what that is?

CAPTAIN CALYER: As to what it is, sir? Only the cover sheet, sir.

GENERAL DONOVAN: What does it say?

CAPTAIN CALYER: Death report at Cabanatuan. There is near the end of it, sir, a chronological history of the graves registration at Cabanatuan, which is signed by Major or then Captain Conn, who was the graves registration officer at Camp No. 1.

LIEUTENANT NATAUPSKY: Sir, we do not consider those official documents. There are no signatures appearing after these entries of the individuals. We don't know who made them, and we don't know if they are complete. We doubt very much if the individuals making these records are able to identify the individuals they have listed here. It seems to be a compilation of a great individual number kept by individuals. Perhaps it wasn't made by the individual knowledge of the person who compiled all this record into one record. I notice on the outside cover they have a margin which is left blank. On the outside cover of your record in your recovered personnel section are these columns filled in, where they say origin, dates, authenticity and source? Do they have any notations marked after this on the outside cover?

A Those were filled out prior to the time we knew who made them up and so forth.

Q (By Lieutenant Nataupsky) In other words, if you know the origin you do list the origin on the outside cover, is that correct?

A That is correct.

Q If you don't know the origin you don't list it?

A No, sir.

LIEUTENANT NATAUPSKY: Sir, if that is the fact they don't even know the origin, and I say it is not official.

CAPTAIN CALYER: May I ask the witness a few more questions, sir?

Q (By Captain Calyer) You talked to Major Conn about these papers?

A Yes, sir.

Q Will you explain what he told you about the origin?

GENERAL DONOVAN: Where is Major Conn?

CAPTAIN CALYER: He is in the United States, sir. I have a document which I will introduce at a later time that refers to records which we believe are these.

Q (Captain Calyer) Will you explain what Major Conn told you about these papers?

A This is a list made up from the originals, of which we have the originals also of those that died at Cabanatuan.

Q What are those originals?

A Those originals are written up on the back of milk can labels, and they give the same information.

Q Is there one for each name listed here?

A Yes, sir.

Q Where did those come from, those original milk can labels?

A Those came from the same source.

Q What was that?

A Those were kept by Major Conn.

Q Buried by him?

A Or his associates.

GENERAL DONOVAN: Let me ask a question on that. Is that document there used for the missing persons as an official document?

A From those we declared dead. We declared all those men dead on the strength of that.

GENERAL DONOVAN: Anything further?

LIEUTENANT NATAUPSKY: If you find a name on one of those labels, milk can labels, and it is unsigned, do you take that as an official record of a man's death or do you have a further investigation?

A It was signed by the medical officer in charge.

Q (By Lieutenant Nataupsky) Were all these signed, the originals signed?

A Most were signed by Colonel Schwartz.

Q Are they all signed?

A Yes, sir, they are all signed.

Q Why can't we produce those originals?

A We can.

CAPTAIN CALYER: We can, but there are some 16 volumes.

GENERAL DONOVAN: That document is accepted and put in for any probative value it may have.

(Prosecution Exhibit No. 411 for identification was received in evidence.)

CAPTAIN CALYER: I call the attention of the Commission, according to this record the number of deaths at Cabanatuan for the period ending 5 August is 1355.

GENERAL DONOVAN: 1355.

CAPTAIN CALYER: Yes, sir.

GENERAL GARD: Which camp is that?

CAPTAIN CALYER: Cabanatuan number 1.

GENERAL GARD: Only that one?

CAPTAIN CALYER: Yes, sir.

CAPTAIN CALYER: You may examine.

LIEUTENANT NATAUPSKY: No questions.

GENERAL DONOVAN: No questions by the Commission. The witness is excused.

(Witness excused.)

WILLARD H. WATEROUS

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A W. H. Waterous.

COLONEL MEEK: You have testified in this case previously?

A Yes, sir.

Q (By Captain Calyer) Were you in Cabanatuan in 1942?

A Yes, sir.

Q When did you arrive there, sir?

A On the 1st of June in Camp 1.

Q How did you get to Camp 1?

A We walked from Cabanatuan to Ivana.

Q Did you go to any place before you went to Camp 1?

A Yes, sir, we went to Camp 2.

Q How long did you stay there?

A We stayed there overnight and the following day came back to Camp 1.

Q Why were you transferred to Camp 1?

A We never knew.

Q Do you know whether Camp 2 was used by the Japanese as a prisoner camp during this period?

A It wasn't used subsequently.

Q You arrived at Camp 1 on what date?

A On the 1st of June.

Q Will you explain to the Commission the conditions at Camp No. 1, particularly as you observed it from a medical standpoint?

A We were first incarcerated in the buildings later occupied as the prison side of the camp. After we had been there about a week we were notified that we were to establish a hospital on the opposite side of the grounds about a quarter of a mile from the prison side. No provision whatsoever had been made for a hospital, no equipment and nothing pertaining to hospital equipment.

Q Doctor, I show you this document, Prosecution's Exhibit 408, and ask you whether that generally shows the condition of Camp No. 1 in June 1942?

A Yes, sir.

Q Will you indicate the section of the camp known to you and referred to by you as the prison side?

A This side (indicating).

Q The top part of the page?

A Yes, sir.

Q And the hospital side?

A The bottom side.

Q What was the area in the center?

A That was occupied by the Japanese headquarters. It had a pump in there, a water tank and various Japanese installations.

Q Was this top part which you called the prison side sometimes called the duty side?

A Yes, sir.

Q Now, will you go ahead with your description of the conditions that you found?

A We had practically no equipment. I received a little eye, ear, nose and throat equipment from Bataan and with that established the eye, ear, nose and throat clinic, which I conducted from that time on.

We had also saved a few instruments, with which an operating room was set up. Other than that we had no equipment. We had no bedpans, we had no rectal tubes; we had nothing with which to maintain a hospital; there were no beds and very little bedding. Some of the men had blankets; many of them had none, had no blankets.

Most of the men had very little clothing. As a matter of fact, most of them had the suit they wore and nothing more. Conditions were appalling.

Q Did the Japanese ever provide any medicine or hospital equipment for you to use?

A Practically no medicine was provided during the first 30 days. Subsequently a little quinine was provided, but entirely inadequate for the needs of the camp.

Q Will you describe the buildings which were used for the hospital?

A The buildings were the same as those on the prison side, and consisted of nipa roof buildings, with sawale sides and bamboo floors. On each side of the building was a double-deck arrangement so they could sleep one bunch on the floor, another bunch above on the upper deck, and in the middle a catwalk so that five tiers of men slept in each barracks.

Q About how large were these buildings?

A I should say they were approximately 80 feet long and about 30 feet wide.

Q How many men were kept in each of them?

A Sometimes as many as 150 in one building.

Q What sanitary facilities were provided?

A There were absolutely none. Straddle trenches were dug and latrines had been built before, but the pits had caved in and they were entirely inadequate and were quickly filled up with fecal matter, and again there were no screens and the flies were in swarms.

Q What were the water facilities that you had?

A We had a very limited number of spigots and the supply was inadequate. No provision whatsoever for bathing, and the only way one could bathe was under the

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Q What were the water facilities that you had?

A We had a very limited number of spigots and the supply was inadequate. No provision whatsoever for bathing, and the only way one could bathe was under the

eaves of the houses when it rained. There was never enough water. A line sometimes of 50 men would wait to get water in the canteens from inadequate faucets. The water was frequently shut off so you couldn't get any.

Q The conditions which you have described with regard to buildings, sanitation and water, were the same on both sides of the camp?

A Yes, sir.

Q What was the food situation?

A The food situation was terrible. We were provided nothing but rice and a little bit of vegetables, sometimes some pumpkins or squash, and occasionally grain like pechay; almost no meat. Sometimes we would get one quarter of an old decrepit carabao for the hospital population.

We were issued no sugar, but we were allowed to buy things in the commissary if anyone had any money.

Q What things were available in the commissary?

A Canned sardines and salmon and bananas and things of that sort.

Q When was that established?

A Established about the 1st of July.

Q Were attempts ever made by people on the outside to provide food or medicine?

A Yes, sir, two nurses managed to get into the camp by the back road and brought all of the medicine which we had during the month of June. Subsequently, a padre by the name of Buttenbach and another person, Tony Escoda, managed to get into the camp on the other side with

Japanese permission and brought some food and medicine from Manila, which had been donated by private individuals.

Q Do you know whether attempts were made by any organizations to bring food or medicine to the camp?

A Yes, sir, attempts had been made, but in most cases were unsuccessful.

Q What diseases did you have in the camp during these periods?

A Almost everybody in the camp had malaria. About 75 percent of the inmates had dysentery. Many of those had amoebic dysentery. We had approximately 1000 cases of amoebic dysentery at one time. We also had multiple avitaminosis cases, scurvy, pelagra, beri-beri and all of the vitamin deficiency cases. We also had an epidemic of diphtheria.

Q When was that?

A That started about the first week in June.

Q Approximately how many cases did you have at any one time of diphtheria?

A I was in charge of that ward, and I had as many as 150 at one time at the peak of it, of the epidemic.

Q When was that?

A In July.

Q Was vaccine provided for the treatment of those patients?

A No, sir, we were never able to get adequate antitoxin. Practically all that came in was smuggled in by these two nurses.

Q Were attempts made to obtain that through the Japanese?

A We asked repeatedly that antitoxin be provided and were always met with the same answer, that none was available. On one occasion we were told the Japanese would have to send to Japan to get antitoxin; that none was available in Manila.

Q Do you know if any was available in Manila?

A I came to Manila in October, October 22nd, and got three million units in a half hour.

Q Do you know if any was available during the time of the epidemic?

A It was the same antitoxin that had been here.

Q Do you recall any inspections of the hospital that were made by Japanese officers?

A Japanese medical officers inspected the hospital on several occasions, but never went through the dysentery section or the diphtheria section. No line officer, with the exception of Colonel Mori, who was the commanding officer, ever went into the hospital area.

Q Who was Mori?

A The commandant of the camp.

Q Did he go into the hospital area?

A Yes, he and Padre Buttenbach, the one who went around giving pep talks to the patients in the different wards. I went with him and managed to get him into the diphtheria section and the dysentery section so he could see what conditions were existing.

Q What were the conditions at the time Colonel Mori inspected the dysentery and diphtheria sections?

A The conditions were absolutely terrible. We had

no water with which to flush down the decks. We had no brooms with which to sweep them. We had no cloths with which to clean these patients. They were lying in their own feces and had been lying in them for days on end, except that we could rush them out on the grass occasionally or take care of them with whatever we could improvise. When he went through that particular time there were three or four dead ones in the diphtheria ward, which we were not allowed to remove.

Q Were any improvements made after that inspection?

A No, sir, none.

Q Did you complain to him of the conditions?

A Yes, sir.

Q With what answer?

A No answer at all; just paid no attention to me.

Q Did you ever see any prisoners of war mistreated by the Japanese?

A I saw six executed, and saw many other cases of abuse, beatings and slappings.

Q When were these six executed?

A I think it was about the first of July; I am not sure of the date, but sometime in July.

Q Do you know who they were?

A Prisoners of war who had been picked up presumably for having gone across the road to get food and were picked up by the Japanese and brought in and four were executed on the prison side and two executed on the hospital side.

Q Did you see that yourself?

A I saw the two executed on the hospital side, and I

saw from a distance the execution on the prison side between the walls.

Q Confining your remarks to those on the hospital side, would you describe how that was done?

A These men were marched through the hospital area about 4:30 or 5 o'clock that night with their hands tied behind them, surrounded by Japanese guards. They were marched through the hospital area and through a breach in the fence to a place about 50 yards outside the hospital compound. A grave had been dug out there, and they were forced to sit down on the edge of this thing, and then were shot and fell into the grave.

Q Do you know where they had been immediately prior to the execution?

A They had been hung up, tied up to the fence on the prison side, all six of them for 48 hours.

Q How many men did you have in the hospital at any one time, the largest number during this period ending the 5th of August?

A The largest number was about 5000.

Q What was the death rate in the camp during the period ending with the 5th of August?

A During that period approximately 1500 men died.

Q What was the principal cause of death, the largest single cause?

A The principal cause, basically, was starvation. Number two was malaria, and then dysentery, and then we had 300 cases of diphtheria that died, died either directly from diphtheria or the complications resulting from it.

Q I show you this series of documents, Prosecution's Exhibit No. 410, being one of them, and ask you if you ever saw that before?

A I saw a copy of this posted in the medical headquarters.

Q Where?

A In the headquarters of the medical department.

Q At Cabanatuan?

A Yes, sir.

Q Were these the regulations under which the camp was governed while you were there?

A Presumably, yes, sir.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Colonel, was the Camp No. 1 at Cabanatuan already existing at the time you arrived?

A Yes, sir.

Q Do you know what purpose that was used for previous to the Japanese occupation as a prisoner of war camp?

A I didn't get that.

LIEUTENANT NATAUPSKY: Will you read the question?

(Question read.)

Q (By Lieutenant Nataupsky) All right, answer the question.

A It had been used as a cantonment for training Philippine Army troops.

Q Do you know how large an outfit the Filipino troops were at those camps?

A No, sir.

Q Do you know if it was a division?

A I don't know.

Q Did the Japanese ever employ Filipino civilians to help improve the conditions of the camp, such as the digging of water wells?

A Yes, sir, they had a crew of Filipinos in there digging wells when we got in there; but the wells were never used, because the water was no good. They were used for washing only.

LIEUTENANT NATAUPSKY: I would like to have that last remark stricken from the record. That wasn't an answer to the question.

CAPTAIN CALYER: I think it is responsive to the question.

GENERAL DONOVAN: Read the question and answer.

(Question and answer read.)

GENERAL DONOVAN: The answer may remain.

Q (By Lieutenant Nataupsky) Colonel, were the malaria and dysentery patients separated from the other prisoners of war at the camp?

A We tried to segregate the sick ones on the hospital side, but we had a great deal of difficulty because permission had to be obtained from the Japanese before a patient was ever transferred from the prison side to the hospital side. In many cases the patients died before they ever got over there.

Q Did you yourself, sir, request that permission?

A Sir?

Q Did you yourself request that permission?

A That was requested by the commanding officer, who we had several of during that time, but the commanding officer of these various groups would make a list of patients who were sick, submit that to the dispensary on the other side, on the prison side, and they in turn would submit it to the Japanese for their authorization for transfer to the hospital.

Q Do you know how long it took before they could get authorization after the request was submitted?

A Sometimes it took three or four days. I know of some specific instances where it took that long.

Q Did you see the original request of those specific instances that you just mentioned? Did you see those requests?

A I know of one case where I went over personally to see a man who had been a friend of mine, a boy by the name of Morton, who lived in Manila and who was suffering from malaria and had severe jaundice. I went to the commanding officer of his barracks that evening. He requested that this man be transferred to the hospital. He made that request through the dispensary. The man was never transferred and died three days later in his bunk in the barracks.

Q This commanding officer, you say he already made a request for transfer?

A He made it in my presence while I was there, at my request. I went to the commanding officer of his barracks, the group leader.

Q You made the request of the group leader?

A I asked the group leader to make the request. I didn't belong on that side.

Q In other words, the group leader then had to go to the next higher echelon and request then to have him transferred?

A He had to go through the dispensary and get the dispensary doctor to authorize it, and then the request was made to the Japanese, and they authorized it or refused it, as the case happened to be.

Q Do you know if he made that request from the dispensary?

A In that particular case I don't know which doctor was in charge.

Q Sir, you testified that you procured antitoxin in the City of Manila in the month of October. Is that right?

A Yes, sir.

Q Was that in 1941?

A No, sir, that was in '42.

Q October '42?

A 1942, yes.

Q Were you in Manila in 1942?

A I came to Manila on the 22nd of October, 1942, and remained here the rest of the time.

Q Were you a prisoner of war on October 22nd, 1942?

A Was I a prisoner of war?

Q Yes.

A Yes, sir.

Q Were you under custody in October of 1942?

A Yes, sir.

Q In Manila?

A Yes, sir. I was on my way from Cabanatuan. I arrived in Manila on the night of October 22nd in custody, under guard.

Q And they allowed you to purchase antitoxin?

A I didn't purchase it, but I went to Dr. Nogi, who was in command of the medical situation down here, and told him what we needed. He asked me what I wanted. I told him three million units of antitoxin. He went to the medical depot, which was then under Colonel Camp, who the Japanese had brought from Corregidor to Manila to coordinate their medical supplies and gathered them all together from all the drug stores in town and all these biological houses.

They were all gathered together in a bodega down by the river. We went with Dr. Nogi and the antitoxin was there, and not only the three million units but plenty more.

Q How do you know the antitoxin present at the depot at that time came from local sources?

A It was American made antitoxin. It was Parke & Davis, Lilly -- antitoxin that had been made in the States.

Q The Japanese, did they ever buy antitoxin from the United States previous to the war?

A I don't know, but Colonel Camp told me the antitoxin had been there during the entire time that he was

there and he arrived on about the 1st of June.

Q Sir, you testified to the fact that you witnessed the execution of two prisoners of war in a hospital area. Will you signify on this map that we have of Camp No. 1, which is Exhibit 408, the approximate place where the execution took place?

A It is out here (indicating). The fence came along here and it was out here, just about where your thumb was, outside of the compound.

Q Where was the cemetery at Hospital No. 1?

GENERAL DONOVAN: Let us get in on the first answer there.

LIEUTENANT NATAUPSKY: I am sorry. The place of execution is on the west side of the road running parallel to the hospital area, marked with a capital "A".

CAPTAIN CALYER: Not with a capital "A" on the exhibit.

GENERAL DONOVAN: All right. The west side is sufficient.

Q (By Lieutenant Nataupsky) Sir, will you point out the location of the cemetery at Camp No. 1?

A Clear up here off the page.

Q Off the page?

A Yes, sir.

Q On the outside of the camp? This is north and this is south (indicating)?

A Yes, sir, south of the camp.

Q The cemetery, sir, does not show on this Exhibit 408, but it is on the west side of the camp?

CAPTAIN CALYER: South side.

LIEUTENANT NATAUPSKY: Pardon me.

Q (By Lieutenant Nataupsky) Where were you, sir, at the time the execution took place?

A Right in this area right here.

Q Is that correct, sir, right there?

A Yes.

CAPTAIN CALYER: Indicating a position in the hospital area?

THE WITNESS: Yes, sir; the fence came along here. I was inside the fence.

CAPTAIN CALYER: Just to the left of a block marked "shed," which is between building number 7 and building number 12.

Q (By Lieutenant Nataupsky) What time of the day did that take place, sir?

A About 5 o'clock; around 5 o'clock.

Q Were you in a building, in a hospital ward, or out on the grounds at that time?

A In the open.

Q Did you know the execution was going to take place at that time?

A Well, they sent orders through the hospital that everyone should turn out and witness it. That word had been sent by the Japanese to the commandant, and he in turn notified all our surgeons and everybody in the camp what the orders were.

Q Was that order issued for the entire camp, sir?

A Yes, sir.

CAPTAIN CALYER: South side.

LIEUTENANT NATAUPSKY: Pardon me.

Q (By Lieutenant Nataupsky) Where were you, sir, at the time the execution took place?

A Right in this area right here.

Q Is that correct, sir, right there?

A Yes.

CAPTAIN CALYER: Indicating a position in the hospital area?

THE WITNESS: Yes, sir; the fence came along here. I was inside the fence.

CAPTAIN CALYER: Just to the left of a block marked "shed," which is between building number 7 and building number 12.

Q (By Lieutenant Nataupsky) What time of the day did that take place, sir?

A About 5 o'clock; around 5 o'clock.

Q Were you in a building, in a hospital ward, or out on the grounds at that time?

A In the open.

Q Did you know the execution was going to take place at that time?

A Well, they sent orders through the hospital that everyone should turn out and witness it. That word had been sent by the Japanese to the commandant, and he in turn notified all our surgeons and everybody in the camp what the orders were.

Q Was that order issued for the entire camp, sir?

A Yes, sir.

Q In other words, all these prisoners up at group 1, 2 and 3 had to come down to the hospital area?

A No, sir; just for the hospital personnel and patients who were able to get out of bed or off of the floor.

Q Was everybody present there at the hospital area when the execution took place?

A Everybody?

Q Everybody physically able to be present?

A I think a lot of them stayed on their bunks because they didn't want to see it.

Q How close did you get to the actual place of execution?

A I think I was probably 150 yards away.

Q Was there anyone standing in front of you, Colonel, at the time?

A There were people scattered around there, but there wasn't anything obscuring my vision; I could see perfectly well, all I wanted to see.

Q How many Japanese soldiers were present at the execution?

A I am not certain of the exact number, but I think there were five or six, but I am not certain.

Q Did they have rifles with them?

A Yes, sir.

Q Were there any Japanese officers present at the execution at that time?

A I don't know, to tell you the truth.

Q How were they executed?

A Shot.

Q How many shots were fired?

A I don't know.

Q Did anyone ever give an order to fire those shots?

A I don't know that.

LIEUTENANT NATAUPSKY: No further questions.

CAPTAIN CALYER: Any questions by the Commission?

GENERAL DONOVAN: There are none.

CAPTAIN CALYER: Well, I have just a couple of other questions.

REDIRECT EXAMINATION

Q (By Captain Calyer) There isn't any doubt that they were killed, is there, Doctor?

A They were buried, covered up.

Q Who was this Dr. Nogi that you mentioned?

A He was the medical officer in charge of the Japanese medical activities on duty at Bilibid when I came down.

Q When you had this diphtheria epidemic at Cabanatuan No. 1, was there a time when you did get some vaccine?

A We got some that was sent in surreptitiously, and a little was issued by the Japanese.

Q About how much did you get at a time?

A From the Japanese we got possibly 100,000 units, which was about adequate for one patient, and perhaps, at three or four day intervals, and sometimes a week's interval, we would get some more.

Q How many patients did you have at the time who had diphtheria?

A We had two buildings full of them, an average of

about 100 patients at a time.

CAPTAIN CALYER: That is all.

GENERAL DONOVAN: Anything further?

LIEUTENANT NATAUPSKY: No, sir.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

HONORATA SERASPI

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank and organization, please?

A Second Lieutenant Honorata Seraspi; 31 years old.

Q Will you speak as loudly as you can, please?

A Yes.

Q In May of 1942, where were you working?

A I was working in Cabanatuan.

GENERAL DONOVAN: You will have to speak a little louder, please.

THE WITNESS: I was working in Cabanatuan.

Q (By Captain Calyer) In what capacity?

A As a Red Cross nurse.

Q Where in Cabanatuan were you working?

A In Cabanatuan prison camp.

Q Where were the first American prisoners who were brought to Cabanatuan confined?

A In the school house at Cabanatuan.

Q Did you work with them there?

A I worked with them there, yes.

Q What were the conditions under which you worked?

A The patients who worked, who stayed in the school house, did not have any bedding. Some of them don't have any clothing to change into. They do not have liquids for the patients, and we had about 500 persons staying there with no liquid.

Q When were the first prisoners brought to Cabanatuan?

A Just in the middle part of May.

Q Who was working with you?

A One Filipino doctor and two Public Health nurses.

Q What medical supplies did you have?

A We were able to ask from some drugstores and people in town to give us medicine for malaria, for beri beri and for dysentery.

Q Had you obtained permission from the Japanese to treat the prisoners?

A Yes, sir.

Q Had you asked the Japanese for medical supplies to use in your work?

A We asked once but they were not able to give us because they don't have.

Q Did you also work with prisoners of war at Camp No. 1?

A Yes, sir.

Q How far was that approximately from the Cabanatuan School house?

A That is about 5 miles away from the schoolhouse.

Q When did you work in Camp No. 1?

A It was in the early part of June 1942.

Q What conditions existed there?

A The barracks where the patients were placed -- most of them tumbled down. The floors had been removed and some of the buildings were leaking because, during those days, those were rainy days. The patients were not issued bedding and beds, so most of them lie on the floor. The surrounding areas where the dysentery cases

were located were not given any sanitary facilities, especially water to clean the surroundings. They were given very little food.

Q Do you know anything about the diet that the prisoners had?

A They were given very little food at that time.

Q Do you know what food they did get?

A Boiled rice most of the time.

Q How long did you continue to work there?

A At Cabanatuan I worked until the latter part of 1943, when we were not permitted any more to go inside the Camp because the Japanese were very strict.

Q Do you recall the time when there were many cases of Diphtheria?

A Yes, sir.

Q About when was that?

A That was in July of 1942.

Q Do you know when the Diphtheria cases first started?

A Yes, sir.

Q When was that?

A That was in June of 1942.

Q Do you know whether civilians were allowed to give food and medicine to the prisoners?

A Yes, sir.

Q Were they?

A They wanted to, but the guards would not allow them.

Q Do you recall an instance in July 1942 when some men from Camp No. 1 were taken to the village of Cabanatuan for an operation?

A Yes, sir.

Q Will you explain what happened.

A The patient was confined in Camp No. 1; then the doctor could not operate him because they don't have enough facilities inside the camp so this patient was brought out by us with an American doctor and a Japanese doctor and guard and they went to Cabanatuan to the hospital. This patient was operated there for an inguinal obstruction and he was operated and confined for a short while in Cabanatuan Provincial Hospital.

Q Do you remember the name of the patient?

A He was Sergeant Rusk.

Q And were there other patients taken at that time?

A Yes, sir, another patient was brought by the name of Meller.

Q What happened after the operation?

A The patient was for a short while in the Provincial Hospital; kept there, and then after two days he was not strong enough but the Japanese doctors decided to bring him back to the prison camp and he was in a serious stage. When he was brought back he died in camp.

Q Do you know whether any of the patients of the hospital were required to work while they were sick?

A Yes, sir.

Q Will you explain that?

A In May when the first group of the American war prisoners were brought to the provincial schoolhouse, most of the men were sick of Malaria, dysentery and malnutrition, and these men were taken for detailed work

outside the schoolhouse and most of these men had to walk down to the bridge where they were detailed from 8 o'clock in the morning up until 5 o'clock in the afternoon, and when they returned to the schoolhouse most of them were exhausted and they were sick. Two of them as I have seen fall down and then they collapsed. They were brought up in the schoolhouse; one of them was dying already and the next one the next day died of suffering from the disease.

LIEUTENANT NATAUPSKY: Sir, could I have that answer repeated?

(Whereupon the answer was read by the Reporter.)

Q (By Captain Calyer) Do you know whether there was an adequate food supply around Camp Cabanatuan No. 1?

A Yes, sir.

Q What food was available?

A Vegetables, fruit and rice.

Q Were those things furnished to the prisoners?

A Very little; just rice, sir.

Q Were fruits and vegetables furnished to the prisoners?

A No, sir.

Q Do you recall an occasion during the Diphtheria epidemic when vaccine was brought in -- brought from Manila?

A Yes, sir.

Q Who brought that?

A Lieutenant Castro and myself.

Q Will you explain what happened when you brought that vaccine?

A We brought the 300,000 units of the Diphtheria

anti-toxin, and we went to the Japanese Headquarters. They had to inspect what we have brought and when they found out, we were not allowed to go to the American medical officer, but we just left the Diphtheria anti-toxin at their headquarters. Then after sometime we returned to the prison camp and we were able to contact American prisoners and the officer, and he told us that he was not able to use any Diphtheria anti-toxin for the patients and then we found out that 300,000 units of the Diphtheria anti-toxin were not given to the American medical officer.

LIEUTENANT NATAUPSKY: Sir, could that last answer be repeated?

GENERAL DONOVAN: Will the Reporter read back the last answer?

(Whereupon the last answer was read by the Reporter.)

Q (By Captain Calyer) Where did you obtain the anti-toxin ampules?

A We came to Manila and asked different families if they could give us anti-toxin ampules.

Q Were there other occasions when you brought medicine to Cabanatuan?

A Yes, sir.

Q On those occasions were you allowed to deliver directly to the American officer?

A We were allowed, sir.

CAPTAIN CALYER: You may examine.

GENERAL DONOVAN: We will have a ten minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with four members of Defense Counsel. The Prosecution is present and we are ready to proceed.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Did the Japanese ask you to help nurse the prisoners when they were brought to the schoolhouse at Cabanatuan?

A No.

Q How did you get to the schoolhouse at Cabanatuan? Were you living at the town of Cabanatuan at that time?

A I was living in the town of Cabanatuan at that time and we asked to be permitted to go and work with the war prisoners.

Q You say you were permitted to go to work with the war prisoners?

A Yes, sir.

Q Who permitted you to do that?

A The Japanese Captain in the schoolhouse.

Q Were there others with you at the same time -- other doctors and nurses?

A I do not get you.

Q Were there other doctors and nurses working with you at Cabanatuan?

A Yes, sir.

Q Were they Filipino doctors and nurses?

A Yes, sir.

Q How long did the prisoners stay in the schoolhouse at Cabanatuan?

A Until June 29, 1942.

Q When did they first arrive?

A In the middle of May.

Q Were the same prisoners kept there all the time?

A Yes, sir.

Q When did you go to work in the Camp No. 1 at Cabanatuan? What date?

A In the early part of June.

Q How did you get into the Camp?

A We asked the Japanese commander of the camp to permit us to bring supplies into the prison camp.

Q How many of you were there?

A One doctor -- Filipino doctor and one Filipino nurse and I.

Q What was the answer of the camp commander?

A We were given the permission to bring medicine to the prison camp.

Q Did you also work in the camp itself?

A Yes, sir.

Q In the hospital?

A At times when we get laboratory specimens -- because we bring out specimens from the prison camp outside of the Provincial camp to the Provincial hospital where we have no facilities inside the prison camp hospital.

Q Did you ever spend an entire day in the camp?

A Once when we get the specimens for Diphtheria.

Q When was that?

A In July.

Q In July?

A Yes, sir.

Q And what did you do with those specimens from the Diphtheria patients?

A I don't get that.

Q Strike that last question. Will you describe the procedure in the treatment of the Diphtheria patients as far as your work was concerned?

A We just get the specimen and then it was given to us for examination. The Red Cross nurses do not actually give the treatment to the patients.

Q In other words, all you did was receive a specimen in the camp and take it out to the hospital at Cabanatuan; is that correct?

A Yes, sir.

Q Did you do that every day?

A No, sir.

Q How often did you do that?

A We went there twice a week.

Q Did you ever eat in the camp?

A No, sir.

LIEUTENANT NATAUPSKY: No further questions.

CAPTAIN CALYER: That is all, Sir.

GENERAL DONOVAN: Witness is excused.

(Witness excused)

LIEUTENANT ANGELINA CASTRO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank and organization, please?

A Lieutenant Angelina Castro.

Q Your organization?

A Army Nurses' Corps.

Q Are you attached to a hospital?

A 1st General Hospital.

Q In May, 1942, were you working with Lieutenant Seraspi at Cabanatuan?

A I was.

Q Where did you work?

A I worked in Camp No. 1.

Q What facilities did you have for working at either of those places?

A I beg your pardon, Captain?

Q What facilities did you have for working at those places?

A What facilities do you mean?

A Did you have medicine?

A Oh, we have very small medicines.

Q Where did you obtain the medicine?

A By campaigning in Manila.

Q Did you ever get any medicine from the Japanese?

A No, Captain.

Q Did you ask for medicine?

A We asked but they had nothing to give, Captain.

Q Did you work also in the hospital at Camp No. 1?

A We used to go there but I don't work permanently.

Q Did you ever take medicine into Camp No. 1?

A Yes, Captain.

Q How did you get that in?

A We sometimes sneak in medicine and sometimes we give it to the Headquarters of the Japanese.

Q Was there any limit placed upon what you could take in?

A We were told to take only small amount of medicine.

Q Who told you that?

A Camp commander.

Q Do you know his name?

A I forgot his name, Captain.

Q Did you ever make a visit to the hospital in Camp No. 1?

A Yes, Captain.

Q When was that?

A That was in June.

Q 1942?

A 1942.

Q Did anyone go with you on that inspection?

A Yes, Captain, two Japanese doctors and one civilian doctor.

Q Were those Japanese army doctors?

A Two army doctors, yes, Captain.

Q Will you describe the conditions that you saw when you and the Japanese doctors inspected?

A That time, while I was entering the concentration camp No. 1, I saw six American prisoners of war hanging from a bamboo pole; their wrists were tied and their feet tied, being whipped by Japanese guards with knotted ropes.

Q What was the condition of the prisoners?

A Blood dripping from their ears, nose and mouth. They are whipped by Japanese guards. The American prisoners were wearing undershirts, two of them with undershirts and short pants, and four of them with only underwear, short underwear. If they ever lived, I don't know. I saw them at 8 o'clock in the morning and we left the camp at about 12 o'clock, and still they were hanging.

Q On this occasion did you also inspect the hospital wards?

A Yes, Captain.

Q Will you explain what you saw there?

A We went into one of the dysentery wards and there are some patients lying on the floor without mats, without pillows, without blankets, nothing; they have nothing.

Some of them are naked, and the others are poorly dressed. The ward used to be an army barracks, and there is a canal around the barracks, but it is full of feces and urine. We have the rainy season in the Philippines in June, July and August, and instead of water I saw stools and feces in the canal. They have no facilities, no bedpans, no urinals, no towels.

Q Were the Japanese doctors with you when you saw this?

A . Yes, Captain, two Japanese doctors.

Q Do you know whether any improvements were made after that inspection?

A I don't see any improvements.

Q You were there after that, were you not?

A Yes, Captain.

Q Did you also see the morgue on that occasion?

A I saw the morgue. About ten prisoners of war were lying there dead, naked, and they have nothing on.

Q What was the condition of their bodies?

A The barracks was dilapidated.

Q What was the condition of the bodies?

A The ribs are out and their pelvic bones are out. They are only skin and bones.

Q Could you estimate from your observation approximately how long they might have been dead?

A I think they have been dead for about two days.

Q Do you recall a diphtheria epidemic at Camp No. 1?

A The diphtheria epidemic was in June, but was rampant in July 1942.

Q Did you make any effort to assist in that epidemic?

A We did, Captain.

Q What did you do?

A We take medicines and take the specimen of the diphtheria cases, the suspected diphtheria cases.

Q Where were those specimens taken?

A To the Cabanatuan General Hospital, Provincial Hospital.

Q Was a test made there?

A Yes, Captain.

Q Do you know the results of those tests?

A They were positive, Captain.

Q What medicines did you take?

A Diphtheria antitoxin, Captain.

Q Where did you obtain that medicine?

A We obtained them in Manila from the Volunteer Social Aid Council, Mr. Perovano and Mr. Juan Elizalde.

Q When you took that to the camp, what did you do with it?

A We took them to the Japanese headquarters, and the first question that the Japanese told us, asked us, was in whose authority we are taking it in. They took the medicine, but it was never delivered to the prisoners of war.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Lieutenant, being a member of the nurses profession, would you really say it is possible to determine by looking at a dead person just how long he had been dead?

A Yes, Lieutenant.

Q Do you know who the Japanese doctors were at the time you inspected the hospital?

A Dr. Konishi and Dr. Doi. Dr. Konishi is working at Camp No. 3. I don't know about Dr. Doi.

Q In other words, they were the regularly assigned doctors of that hospital?

A Dr. Konishi is regularly assigned to Camp No. 3.

Q Did you personally go to Manila for this antitoxin?

A Yes, Lieutenant.

Q How did you get to Manila from Cabanatuan?

A Riding in trucks.

Q Did they have trucks to go down there?

A Yes, Lieutenant, civilian transportation.

Q Civilian transportation?

A Yes.

Q How long did you spend in Manila?

A Three or four days recruiting medicines.

Q Were you ever stopped by the Japanese in Manila and questioned as to what you were doing there?

A Not in Manila, but on the way.

Q On the way?

A Yes.

Q Where on the way?

A They checked the trucks.

Q Did they check the trucks on the way back?

A Yes, Lieutenant.

Q Did they find the antitoxin on your person?

A We hid them.

Q Where did you hide them?

A We thought the Japanese would not like for us to help the prisoners.

Q Where did you hide them?

A Because we are not allowed to take so many medicines.

Q Where did you hide them?

A In our nursing bag.

Q In what bag?

A Our nursing bag.

Q They didn't look in your nursing bag?

A Just on top, and we put it underneath.

Q When they opened the nursing bag they just looked on top and not underneath?

A They cannot look underneath.

Q Did they allow you to work at the hospital at Cabanatuan No. 1? Did the Japanese allow you to work in the hospital at Cabanatuan No. 1?

A No, Lieutenant.

Q They didn't?

A No.

LIEUTENANT NATAUPSKY: That is all.

EXAMINATION BY THE COMMISSION

Q (By General Valdes) How did you work in Prison Camp No. 3? Did you work as a Red Cross worker?

A Yes, General.

GENERAL DONOVAN: Any other questions?

CAPTAIN CALYER: No, sir.

LIEUTENANT NATAUPSKY: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

JAMES BALDASSARRE

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name and grade, please?

A Master Sergeant James Baldassarre.

Q Keep your voice up, Sergeant.

A Yes, sir.

Q Sergeant, in May or June of 1942, were you at Cabanatuan?

A Yes, sir.

Q Where were you first kept at Cabanatuan?

A In back of the school house.

Q How long were you there?

A Overnight.

Q From there where did you go?

A To Camp No. 1, Cabanatuan.

Q How did you get to Camp No. 1?

A Hiking.

Q Will you describe the conditions on that march?

A About 90 per cent of the men were sick, suffering from malaria, dysentery, beri-beri and other sicknesses.

Q When did you arrive at Camp No. 1?

A About 11 o'clock in the morning, between 10:30 and 11 o'clock.

Q On what date?

A The 2nd day of June, 1942.

Q How many American prisoners were there when you arrived?

A Very few of them.

Q How many were in your group?

A Between 2500 and 3000 it was.

Q What facilities did you have when you got there?

A None.

Q Which side of the camp were you on?

A Group number 2.

Q Is that on the prison side?

A That is right.

Q What sort of buildings were you quartered in?

A Well, it is bamboo huts.

Q Were they similar to the ones on the hospital side?

A No, sir, the hospital side, some of them were wood, I believe.

CAPTAIN CALYER: Will you read that answer?

(Answer read.)

GENERAL DONOVAN: Will you read that answer again, please?

(Answer re-read.)

Q (By Captain Calyer) What were they on your side?

A All bamboo huts.

Q How large were they?

A About 100 feet long and 20 feet wide.

Q How many men were kept in each of those huts?

A Well, let me see now: It was divided into six sections; well, it is about 150 men to a barracks.

Q When you say six sections, what do you mean?

A Each section of the barracks is up and down; there is a first floor; in other words, six men in a group.

Q Were there actually two floors, or do you mean two levels?

A Two bays, double bays, top and bottom.

Q How far apart were they?

A Oh, about four foot.

Q What was the flooring constructed of?

A Bamboo; it is all bamboo huts.

Q Well, were they solid?

A No, it was not so solid.

Q Were they strips?

A Strips and spaces between.

Q Spaces between?

A Yes, some of them just had strips and plenty of dirt.

Q What medical facilities were provided in the camp?

A None.

Q What food did you have?

A We had rice three times a day.

Q How much?

A About a mess kit full.

Q A mess kit full each time?

A An even mess kit full.

Q Did you get that three different times?

A Yes, three different times a day.

Q Did you have any food other than rice?

A Once in a while we had some camote tops, greens, in other words.

Q How frequently?

A Once every three or four or five days.

Q What water facilities were there?

A One canteen full of water daily.

Q Where did you get that?

A Out of the spigot.

Q How many spigots did you have in your group area?

A One.

Q For how many men?

A Well, for about 450 men probably.

Q What facilities did you have for bathing?

A None.

Q Did you have any facilities for washing clothes?

A None.

Q At any time while you were at Camp No. 1 did you have facilities for bathing or washing?

A None at all.

Q Were you ever taken to the river?

A No, sir.

Q Did you ever see any American prisoners mistreated at Camp No. 1?

A Quite a few of them, sir.

Q Will you explain what you mean?

A Any time a Jap guard would pass by and a man was laying out on the grass and if gets up right away and salutes them, they would still beat them with the rifle butts on the head, on the shoulder and any place on the body.

Q How frequently did that happen?

A Practically every day, sir.

Q What sanitary facilities did you have?

A Trenches, we dig our own back in the barracks.

Q Were there any insecticides or disinfectants provided?

A No, sir.

Q Were your barracks screened?

A No, sir.

Q Did you ever see any executions at Camp No. 1?

A There were six men, sir.

Q When was that?

A About July in 1942.

Q Would you describe what you saw?

A About 10 o'clock at night I saw one man with his hands tied behind his back; about 10:30 there were two men there; at 11 o'clock I saw four men and then I went to sleep. Getting up the next morning I saw six men down there.

Q What was the condition of those men?

A They was tied up with the hands in the back and beaten.

Q Do you know how long they were left there?

A For about 48 hours.

Q What happened after that?

A One tried to escape after 48 hours of punishment in the water and in the sun. They found him in the barracks there.

Q Do you know who that man was?

A A fellow about six foot who come from Corregidor.

Q Do you recall his name?

A No, sir, because I don't know anybody's name in those days.

Q What happened after they caught him?

A They lined up four of them on the other side of the fence and shot them.

Q What happened to the other two?

A They shot them on the other side of the hospital.

Q Did you see the execution of either of these groups?

A I saw the four men, but the two men I did not.

Q Will you explain a little more in detail what happened at the time they were executed?

A They caught the men right in one of the barracks. They got the four men out and lined them up on the other side of the fence and shot them.

Q Who shot them?

A The Japanese guards by order of the commanding officer.

Q Where were you when this occurred?

A I was right there.

Q How close?

A About 50 or 60 feet; every American in group number two saw what happened in the afternoon, sir.

Q Do you recall the time when the so-called shooting squads were established?

A No.

Q Did you ever hear of shooting squads?

A Oh, yes. It was ordered in the camp, read and explained to us about two or three times, to organize every man in our barracks, in all the barracks, a group of ten men. If any man escapes out of the ten, nine men will be shot to death; and it was also posted on the bulletin board.

Q You saw that?

A Yes, sir.

Q Do you have any information as to the number of men who died while you were there?

A Quite a few of them, sir.

Q Do you know the cause of death of any of those men?

A No hospitalization, no medicine, no food, no sanitation. Everybody was dirty and filthy.

Q Do you know whether attempts were ever made by people on the outside to send food or medicine to the camp?

A Yes, sir, the churches in Manila, sir.

Q What happened?

A The last part of July, sometime, about three or four trucks of supplies come from Manila. Some of the boys, a lot of them were my friends, they are loading the supplies from the Japanese warehouse. The supplies consisted of food, medicine, toilet articles and something for us, but we never did see those supplies.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Sergeant, do you know if there were any prisoners kept at that school house at Cabanatuan for more than one night?

A No, sir; only one night myself; I don't know about anybody else.

Q The day after you arrived at Cabanatuan, were there more prisoners coming in?

A After we left there, yes.

Q After you arrived in Camp No. 1, Cabanatuan, did more prisoners come in the following day?

A I don't know anything about it, because our group was filled up with over 3000. There is about 3000 men to group number two. I don't know what happened after this.

Q Did you say there were 3000 men in group number two?

A Our group was about 3000 men.

Q Were you ever sick in the hospital area?

A No, sir.

Q Did you ever work in the hospital area?

A I went down there and visit a lot of my friends.

Q Did they allow you to visit your friends in the hospital area?

A Yes, sometimes, not always.

Q On the day that the four men were executed, which you saw executed, did you receive or did that camp receive an order from the camp commandant making you get out there and watch the execution?

A No, sir, we just wanted to see what happened.

Q All right, that is enough. Just answer the question. You say there was a notice or an order posted on the bulletin board of each barracks to the effect that the men will be in groups of ten and if one escaped all nine would be killed. Was that ever carried out?

A Nobody ever escaped in my group during that period --

Q That is all. Just answer the question. These four men that were executed, do you know whether they were out of the camp on previous nights?

A No, sir.

Q Did you ever hear of them being out of the camp some previous night?

A Yes, sir.

Q Who did you hear it from?

A One of the men that was there, he was a six footer.

Q He told you?

A No, I just heard it from someone else.

Q You heard it from someone else?

A Yes.

Q Did you hear what they were doing when they were outside of the camp?

A Getting some food or supplies.

Q Were they bringing their food and supplies back to camp?

A I don't know about that.

LIEUTENANT NATAUPSKY: All right, that is all. Thank you.

REDIRECT EXAMINATION

Q (By Captain Calyer) What details did you do while you were there?

A I was in charge of the utilities; in charge of some of the enlisted men over the utilities.

LIEUTENANT NATAUPSKY: I have a couple more questions.

RECROSS EXAMINATION

Q (By Lieutenant Nataupsky) Did you ever see any Filipino civilians working in the camp trying to better sanitation conditions by digging wells there?

A There were about one or two men, but they never made any success of it, I know that; there was no water.

Q But they were digginga well?

A I don't know if it was a well; I know they were digging a hole in the ground.

Q Did you have a post exchange; were you able to buy cigarettes and candy at the camp? Answer that yes or no.

A About once a month we used to get a pack of cigarettes, that is all that you can get at the post exchange.

Q Did anybody ever get any more?

A I don't know, sir.

Q Did you ever wash your clothes at the camp?

A If I steal the water from the kitchen.

Q Did you ever wash your clothes?

A Once in a while.

Q Did you ever take a bath at the camp?

A No.

LIEUTENANT NATAUPSKY: I have no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Valdes) Who was the Japanese commanding officer of Cabanatuan No. 1?

A Colonel Mori.

Q Did you ever see him inspecting the camp?

A About once while I was there, sir.

Q Did you ever see any ranking Japanese officers inspecting the camp?

A In the month of July,- the first part of August, rather, I believe, it was an officer that came from Manila, and this officer was supposed to be Lieutenant General Homma, but I never saw him, sir.

GENERAL VALDES: That is all.

GENERAL DONOVAN: Anything further?

CAPTAIN CALYER: One more question.

REDIRECT EXAMINATION

Q (By Captain Calyer) When was it, Sergeant, that you were able to buy things from the so-called post

exchange?

A About once a month.

Q During what time?

A Well, this commissary began about the middle part of July of 1942.

CAPTAIN CALYER: That is all.

GENERAL DONOVAN: Do you have anything further?

LIEUTENANT NATAUPSKY: No, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: We will have a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with three members of Defense counsel. The Prosecution is present, and we are ready to proceed.

THOMAS H. BOGIE

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, grade and organization?

A Thomas H. Bogie, Staff Sergeant, United States Army; unassigned.

Q In May or June of 1942, were you at Cabanatuan?

A Yes, sir.

Q Where at Cabanatuan?

A I was at prison camp group 3 of Camp 1, sir.

Q How did you get from the barrio or the village of Cabanatuan to the camp?

A We walked, sir.

Q What were the conditions on that march?

A Well, we just spent quite a few hours in a box car. As soon as we got off the cars we lined up and started walking. Most of the men didn't have any water or have anything to carry it in. We weren't given, as we got off the train in the city of Cabanatuan anything at all. A lot of men were ill and they were unfit to make the march, but they had to make it anyhow. We made it all the way through; I believe it is about seven miles without any breaks. We marched right straight through.

Q Were you ever at Camp No. 3?

A No, sir, I wasn't.

Q How far from the town was Camp No. 1?

A I believe about seven miles, sir.

Q Was Camp No. 3 farther than, or closer than that, or closer to the town?

LIEUTENANT NATAUPSKY: I object, sir. He said he was never at Camp 3. How can he tell what distance it was?

CAPTAIN CALYER: The witness has testified that he marched from the town to Camp No. 1. I think he is competent to testify whether he passed Camp No. 3 on the way.

LIEUTENANT NATAUPSKY: Why doesn't he ask whether he passed it or visited it before he reached No. 1?

CAPTAIN CALYER: I will withdraw the question.

Q (By Captain Calyer) Do you know where Camp No. 3 was located?

A Yes, sir. It was located about five more miles down the road from Camp No. 1.

Q Do you know where Camp No. 2 was located?

A No, sir, I haven't any idea where Camp No. 2 was located.

Q While you were in Camp No. 1 what did you do?

A When I first reached there I was put in charge of the barracks as mess sergeant; then later the barracks broke up and I was put on details working at various jobs.

Q What details?

A I was, in the morning, on grave-digging detail.

We would go out and dig a grave and always have one ready for the following day. The afternoon we would go over to the hospital area and carry the bodies out.

Q Will you describe how the bodies were buried?

A We dug the grave the size of a Jap rifle. It was about three foot deep and about three foot wide and was seven feet long, and as many bodies as were carried out that day, they were all buried in that hole. Sometimes it was only a foot of earth on the bodies.

Q What was the condition of the bodies that you carried out?

A They were in very bad condition. Some of them were all swelled up with what I believe was beriberi. Some of them were run down and were just skeletons.

Q Were they clothed?

A No; the clothes were taken off. They were naked.

Q Do you know what happened to the clothes that were taken from them?

A I believe they were kept in the hospital, sir; I am not sure.

Q Did you ever see any other details?

A Yes, sir, there were details that were to work in the Japanese galleys as K.P.'s, cleaning up barracks for the Japanese, cleaning latrines and things like that.

Q Did you work on any of those?

A No, sir, I have never worked on them, but I have a lot of friends who have related stories to me.

Q What, for example, was the latrine detail?

A Well, they had a latrine that had a hole dug under

the box. When they became full the Americans would clean it out with whatever they had. They didn't have any tools; they would use their hands.

Q When you say "they," whom do you mean?

A Japanese, sir.

Q What was required of the Americans on that detail?

A To clean the latrines; to take the manure and spread on the gardens the Japanese had dug up.

Q How was that done?

A By hand, sir.

Q Do you know the names of anyone who was on that detail?

A Yes, sir, I have a friend. His name is Cone; he is still here.

Q Did you ever see any American prisoners mistreated by the Japanese at Cabanatuan?

A Shortly after I arrived there there were six Americans shot. One, it seems, had gone through the fence before that, and he was in cahoots with the Japanese guard, but he was through the fence this evening and they had changed guards, and when he came back the sentry caught him. They tied him up at the Japanese headquarters, and he was tied up there until the following morning. He was questioned, and he had five more buddies that were in on the deal. They were brought out and tied up, I believe they said two days. One of the fellows was named "Red," from Texas. And they didn't have any water. It was pretty hot.

Q Do you know his last name?

A No, I don't know his last name. He got loose and

went after some water, and the Japanese caught him. They took four men out behind a tool shed and they shot them. The other two they took over in a hospital area and shot over there.

Q Did you see any of these executions?

A No, sir, I didn't see them, but we could hear the shots. They were behind the barracks.

Q Did you see the men being taken out?

A Yes, sir.

Q Were they tied?

A Yes, sir, they had their hands tied behind them.

Q Did you ever see any other mistreatment?

A I saw plenty of beatings with hands and kicking. There was a Jap guard out there who was a "goon" -- I believe the rate of a staff sergeant. I seen him throw a pair of pliers at a man and knock him out. He used to carry a steel golf club. He was moving houses up there. If they didn't move them he could use that steel golf club and work you over.

Q What do you mean by "work you over"?

A Beat you up.

Q Have you seen that done?

A Yes, sir.

Q When was this?

A This was in, I believe, June, sir.

Q All right. Explain.

A The Filipinos had been giving the Japanese a little trouble and would sneak up and kill a few now and then, and after this their first mission was to clear the barrios up. They would go up and come back with two

gunny sacks full of heads.

Q What kind of heads?

A Filipino. They tied up on posts in our quarters. They tied them to a bamboo pole and walked through the place where we were, and the Jap would holler, "This is what happens to anybody who doesn't cooperate with the Japanese." This they brought through our place.

Q Do you know the names of any of those men who were executed?

A No, sir; they were all Filipinos.

Q Were there men in your group who were sick?

A Yes, sir, half of the men in my group were sick.

Q Were any of those who were sick required to work?

A Yes, sir, they were.

Q Were you ever in the hospital yourself?

A No, sir, I wasn't.

Q Approximately how many men would you say were being buried there, each time while you were on the burial detail?

A When we first went into Cabanatuan the Americans were dying about 25 a day, I imagine, sir, and that continued on through until I left. I stayed there five months.

Q Do you know anything about the medical supply in the camp?

A Well, the medical supply wasn't very much, as they hadn't brought any in to us, but I did hear there were some Filipinos and some Catholic priests trying to bring medicine in. I just heard, but I don't know for sure.

Q Do you know whether they were allowed to bring it in?

A No, sir, I don't.

Q Do you know whether any of the Filipinos attempted to bring food to the camp?

A Yes, sir, there was some kind of an organization started in Manila, and they volunteered to bring food in, but it was never accepted.

Q Do you know the name of the commander up there?

A Japanese commander, sir?

Q Yes.

A I believe it was Major Mori, later promoted to colonel.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Sergeant, did they ever prevent you from digging the graves any deeper or any wider or any longer than you actually did dig them -- that is, referring to the Japanese?

A No; we were there with the Japanese sentry, and he gave us the dimension of the Japanese grave. As soon as he thought it was all right we went back to the barracks.

Q Was it a fact the depth of the graves as you described them was due to the rainy season prevailing at that time?

A Well, it was right in a rice paddy. After you got down below a foot you were digging in water.

Q In other words, would you say there would be a better area present around that camp for a cemetery?

A Yes, sir, I think there was.

Q Where?

A The camp is right in the middle of a rice farm.

Q The entire camp?

A That was below, a spot on the farm.

Q That grave, if established somewhere else, would be a good deal closer to the rest of the camp?

A Well, they could have picked a better grave site within the same distance of camp.

Q Was that area all rice paddy area?

A Yes, all except the camp. It had been a cadre, a Philippine cadre.

Q Did the Japanese at any time try to improve the cemetery itself?

A While I was there they didn't, no.

Q In other words, you don't know, do you, whether or not they had tried to improve it?

A For the five months while I was there it remained the same.

Q On that latrine detail that you described, you actually were not present, were you?

A No, sir, I wasn't.

Q You don't know whether or not they actually had tools to haul the manure?

A I know they didn't. Everyone used to fight to get off the detail.

Q But you didn't see whether or not they had tools?

A No, I didn't.

Q Did you ever work on a farm?

A Yes, I did.

Q Did you ever spread manure with your own hands?

A No, sir, I didn't.

Q This Japanese sentry whom you described was carrying a steel club, was he?

A Shaft out of a golf club.

Q Did he ever use it or carry it around in the presence of Japanese officers?

A Yes.

Q Did he ever use it in the presence of Japanese officers?

A We seldom -- the only officer we saw was Colonel Mori, when he was coming from the headquarters and going back again.

Q In other words, the entire organization, the operation of your group, Nos. 1,2,3, was carried out by noncommissioned and American officers under the supervision of a Japanese camp commander, is that right?

A That is right.

Q Did the Japanese in any way try to improve conditions at the camp?

A During the day everything remained the same. We had a typhoon that blew most of our barracks down. We had to put them back with nothing new. We had to use the same stuff.

Q Do you know if the Japanese had material to supply you with?

A They had the whole Philippine Islands.

Q Did they have what they call a morale officer, an American morale officer, present at the camp?

A No, they didn't have that.

Q Are you sure of that?

A I am sure.

Q Did they have or did they attempt to establish a recreation program at the camp?

A The time I was there there was no recreation whatsoever.

Q Did they have a post exchange?

A They didn't have no post exchange, but those who are lucky and have money, they can put in an order, I believe, for two pesos of stuff. It wasn't always filled, the orders, I mean. They distributed it among the men who had the money to pay for it.

Q Did you ever get cans of sardines or cans of fish?

A I didn't have any money. They had shook me down before I got there.

Q Did the prisoners of war have money up there?

A Some of them did.

Q Did you say that 25 men died per day for five months?

A Approximately, yes, sir; I am not sure of that.

LIEUTENANT NATAUPSKY: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Gard) Were you paid at all before August 5, 1942?

A No, sir, I wasn't.

Q While you were a prisoner of war?

A No, sir.

CAPTAIN CALYER: That is all.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

JOHN H. BALL

recalled as a witness on behalf of the Prosecution, being first duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank and organization?

A John H. Ball; colonel; Headquarters, 8th Army.

Q In June, 1942, were you a prisoner of war at Cabanatuan?

A I was.

Q When did you arrive there, sir?

A June 2.

Q Where from?

A O'Donnell.

Q When you arrived in what part of the camp were you located?

A In a section of the hospital area. The prisoners were transferred from O'Donnell. They were divided into three parties: those who were taken to the prison camp proper from O'Donnell, those who were put in a so-called hospital section, and those who were left back in O'Donnell whom it was considered not worthwhile bothering with.

Q In the first part of that answer I believe you said those put in the prison side, from O'Donnell. Do you mean Cabanatuan?

A This camp included at that time a so-called hospital section and a duty section.

Q Was that at Cabanatuan?

A At Cabanatuan.

Q Why were you in the hospital?

A For dysentery and malaria.

Q How long did you stay in the hospital?

A Until June 16th.

Q What were the conditions while you were there?

A Very bad. I had to put up a very strong argument to get out of that section on June 16th.

Q Why were you anxious to get out?

A Because I felt I would have a better chance to live if I got out.

Q What were the conditions under which you were living in the hospital?

A We were living in the normal bahay constructed of bamboo, nipa sides and grass roofs with bamboo floors. You might call them double-deckers; they were two levels. The first level the floors were constructed of bamboo strips about an inch and a half or two inches wide, separated by a half-inch. The second floor, or level, was about four feet above the first. You could not stand up in it. They were crowded so in the bay -- I slept in the first bay, or tried to sleep there. There were five; four sleeping lengthwise and one at the foot. Some did have six in a bay. There were 123 in this in which I was located, and this was a bahay. It was in a filthy condition. There was no protection against mosquitoes, no facilities for washing or keeping clean. As a matter of fact there was no record of those who may be prisoners, where imprisoned, until we got to O'Donnell. Then we made the first, original record. Nobody knows who dropped out,

because there was no record made up until we got to O'Donnell. There we tried to keep a record of those in each bahay.

After we got to Cabanatuan the Japanese ruled that once you were assigned to a bay by name, we were compelled to turn in a list of names to the Japanese headquarters, and you could not be removed from that bahay without their authority. As a result one field artillery captain died at nine o'clock one evening and could not be removed until ten o'clock the next morning, because the Japanese permission had to be obtained before he could be removed. There was a major -- incidentally, this captain died from cerebral malaria. The doctor told me he had nothing to treat him with. He said if he had any kind of quinine he might be able to save him.

This Major Samuel Gwynn, whose family lived up at Baguio, became unconscious. He had dysentery and was in a bad way. He laid there for days before permission could be obtained to move him out of the bahay. There was a constant resentment and an irritable air surrounding it because of the filthy condition. Those who lived on the upper level were not able to get out. They had to relieve themselves. Some of those lying on the bottom suffered; and there were no attempts made to protect us against mosquitoes. The food was terrible. In general it was a deplorable condition for anybody to try to live in.

Q Do you know whether the Japanese ever treated patients?

A Never. The only time the Japanese came in the bahay in which I was located was when their "goon squad" came in

to look for rings and jewelry, which they took at night.

Q Do you know whether the Japanese provided medicine?

A Never did they provide medicine, because I tried to get it frequently. I would tell them if they could get any quinine or anything, to remember me.

Q What was your diet there?

A Rice and mongo beans.

Q How frequently were you fed?

A Several times. Three times a day, but generally twice a day.

Q Did you ever get anything other than rice or mongo beans?

A No, not that I recall.

Q Do you know what the diet of the Japanese guards was at that time?

A Well, I don't know what their diet was. The bahay in which I was located was right inside, the first one inside the gate, the main entrance, and they had established a guardhouse just outside the gate. Frequently we saw them come in with piled up dishes of rice and vegetables. I couldn't see what it was. It was piled up, and at times we saw them throw it away. They had more than they could eat. We hadn't got more than a level mess of rice at any time.

Q What sanitary facilities were provided on the hospital side?

A The original latrines that had been built in the camp were these where the roof had blown off most of them. I was only permitted to go to either one of two. One had caved in.

They were filthy, dirty, and could not be kept clean. No water was available. Some of the men had dysentery or some disease of that kind, and as a result the latrines were, well, they are indescribable. They caved in partly, and they were boxes there originally, but they had deteriorated. Lids were not on them. They tried to put lids of burlap cloth as a cover on them, but they did not last.

Q Colonel, what clothing did you have?

A I had a shirt, a pair of shorts, a pair of trousers, a straw hat which I had been able to purchase in Capas on the way over, and a pair of shoes and a pair of socks.

Q Were the other men similarly provided?

A Some of them did not have trousers. Some of them had shorts, just shorts.

Q Did all of them have shoes?

A Yes. At that time I believe not all in good condition, but I don't recall anyone going barefooted.

Q You are speaking now of men in your bahay?

A In my bahay.

Q Did you ever see any mistreatment of the American prisoners by the Japanese?

A Yes, I did.

Q Will you describe what you saw?

A One evening late at night, this was, there was quite a commotion. I had gone to the latrine and had just come back from the latrine, dressed only in a pair of shorts. There was quite a commotion, and the Japanese guards were running around calling to each other. Some of them came up to me and said something. I didn't know what they had

said. They had a flashlight and I stood at attention. They said something again and I still stood there, not knowing what they were saying, and one hit me and knocked me down.

Q With what did he strike you?

A With his fist. I started to get up and he gave me a kick and pointed to the bahay. I went over to the bahay and learned a man had supposedly escaped. They were hunting for this man, and then it quieted down. I was the first -- rather, I had the first bahay inside the gate. I could see over to the guardhouse where they had an electric light.

Then later on in the night -- I didn't have a watch or anything; I don't know the exact time -- I saw a man tied up to a pole there wearing nothing but a pair of shorts. He was being slapped there. And there was an electric light over this guardhouse, so I could sit back in the dark and see it. We didn't have any lights in the bahay. He was tied up to this pole and was being hit.

Q By whom?

A By the Japanese sentries -- Japanese guards. I didn't want to see any of that and tried not to see it, but the next morning when we got up he was sitting on a stone pile and he wasn't being abused while he was sitting in the sun, still wearing his shorts. I didn't see him abused that day, but later on in the day I saw him moved over just stretched out in the shade under a shed they had built in the front of the guardhouse. They were laughing, and one brought a big dish of rice and sat before him. He

was apparently out of his mind, delirious, and he hadn't answered, hadn't moved at all. They finally untied him and this guy sitting before him -- a big heaping dish of rice, but he didn't seem to see it or never noticed it. He was taken away and nobody ever saw him again, as far as I know.

Q Do you know whether he had, in fact, escaped?

A No; I do know, this became the general topic of conversation around there, that the penalty for escapes and so on and the mistreatment of prisoners and I do know it was generally conceded that he was picked up on the road just a short distance from the guardhouse wandering about.

Q Had you finished?

A Yes.

Q Was that road inside the camp area?

A Yes, it was. It was a road that separated the hospital area from the -- the so-called hospital area at that time -- from the main camp.

Q When were you transferred to the other side of the camp?

A On the 16th of June.

Q Had you recovered your health?

A I had not, no.

Q How did you get over to the other side?

A By insisting that they put my name on the list to move out of there.

Q What were the conditions, very briefly, on the duty side or the prison side when you arrived there?

A First, I was assigned to a wooden building. It was cleaner. I had to sleep on the floor for awhile until I made a bunk, but it was cleaner and not so filthy; the stench and the living conditions weren't so bad.

Q How do you account for that?

A The men were not as sick over on the duty side. Those over on the hospital side were all sick men and unable to take care of themselves and had no facilities for caring for themselves. Now, here, they were sleeping on this hard bamboo, there was no bedding of any kind; most everyone had a blanket at that time, though not everyone did, most everyone. They were getting sores and ulcers and trying to rest on these bamboo strips; on the hard floor it is difficult enough, but on a bed of that type it is still worse.

Q What were the facilities for bathing on that side of the camp when you got there?

A On the duty side?

Q Yes, sir.

A Bathing was forbidden generally. They would take a detail out occasionally to the river to bathe, but the facilities, other than that, consisted in the rustling of a can; somebody would have a gasoline can hidden and he would try to get a can of water to bathe with.

Q How frequently were you taken to the river?

A I don't know how frequent those details were. I only made the trip once. I only had an opportunity to go once.

Q How far did you have to go?

A Oh, about a mile.

Q When you got there, what conditions did you find for bathing?

A Well, just a dirty, little stream at that time.

Q Was that the only opportunity you had to take a bath?

A Except when I would borrow a 5-gallon gasoline can and if I could borrow that occasionally.

Q When you were taken to the river, was that also an opportunity to wash clothes?

A No. I suppose if you had extra clothes; but you couldn't very well wash your clothes and then walk back in wet clothes.

Q Did you have any other occasion or other facilities to wash your clothes?

A No.

Q Were you permitted by the Japanese to wash out of this gasoline can?

A No, there was an order prohibiting that.

CAPTAIN CALYER: You may cross examine.

GENERAL DONOVAN: We will take a five-minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present, with three members of Defense Counsel. The Prosecution is present and we are ready to proceed.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Colonel, did the American prisoners of war organize the three groups into regular army organizations?

A No, they never were organized into regular army organizations. As a matter of fact, the military terms were forbidden. A group instead of a battalion -- they never had military organizations there.

Q They did have the organizations but they didn't call them by the same name, is that correct?

A Well, they had a headquarters over the whole thing and they were divided into groups, which were later subdivided into bahays; each bahay had a leader. They weren't companies, but bahays. It was the system they used there.

Q Did they have a Captain in charge of the smallest unit say? Did they have a Captain in charge of what we would call a company and what they call a bahay?

A Yes, this was a building, you know; there was an officer living in each bahay and he was in charge of that group.

Q Something similar to our platoon leaders?

A Yes, sir.

Q They had about 2 or 3 platoon leaders for each company commander?

A I don't know about that; I couldn't answer that; I don't know.

Q Were the officers segregated from the enlisted men as far as quarters were concerned?

A The building that I was quartered in, there were all field officers there, but each building had an officer quartered in that building to maintain order or to get out the details and there were some buildings where they were mixed. Now, that was not true of the hospital.

GENERAL DONOVAN: Let me ask a question here.

Q (By General Donovan) At this camp, didn't they have some sort of an organization that resembled our amy organi-

zation, insofar as control was concerned --small groups under a leader, regardless of what you call it?

A Yes.

Q And a number of those small groups under another leader and a bahay or building under another officer, isn't that correct?

A Yes.

LIEUTENANT NATAUPSKY: That is what I wanted, Sir.

Q (By Lieutenant Nataupsky) The group commanders, did they get together and try to devise plans as far as bettering the conditions of the camp was concerned?

A I believe that they held frequent meetings with the camp commander, the American commander, and then made their requests for improvements to the Japanese headquarters. I never was a group commander.

Q Colonel, do you know whether or not conditions in the camp became better because of the better control they had after they were organized for a little time?

A It would be difficult to say that the living conditions were better. The control they had enabled them to get the work details out better. The Japanese required quick response when they asked for a detail. They didn't want any piddling around and this control served best in that way, I think. It saved men from being beaten up by having somebody pushing them out and getting them into formation.

Q Would you say some prisoners of war lived more comfortably than other prisoners of war, relatively speaking?

A Those men who were running the power plants and were repairing motors, working at the motor shops, repairing the Japanese motors, they lived decidedly better than the prisoners who did the pick and shovel work. They lived decidedly better because they got extra food and they were not beaten; they were not driven. They had specific jobs laid out for them. They operated this diesel motor and the lighting plant and did the motor repair work on the water pump and those details and, perhaps they had it better than the mass.

Q Did they have a lighting system in the camp?

A They had a lighting system around the camp. The power plant was operated by the prisoners and there were no lights allowed inside of the camp,though.

Q Would you say, Colonel, that a good deal depended upon the individual man's initiative in order for him to live a little more comfortably than he was living?

A No, I would not say that. If you have nothing to improve your conditions with, if you are sleeping on bamboo strips and have nothing to put down as bedding, you can't possibly improve that. If the mosquitoes are chewing you up and you can't prevent the mosquitos coming in, you can't improve that. If you can't take a bath, then you are not improving the conditions. The conditions there, I think, were uniform. I don't think there was anybody except those just enumerated that were any better off. They, perhaps, were a little better

favored than the others.

Q Were the kitchens in each group run by the American prisoners of war?

A They were, yes.

Q Weren't there cans available, paper boxes available, which could be used by the prisoners of war to better their own living conditions?

A Cans were bartered and stored away; cans were exchanged and hidden. Even a small can for quite sometime would be very hard to get. As far as paper boxes, you weren't permitted that. Rice sacks were taken without authority on a number of occasions and a search was made at frequent intervals throughout the camp for these rice sacks, which were supposed to be returned by the prisoners. But the prisoners had taken them to form a mattress or fill them with grass, if they could, to make a little better sleeping place.

Q Colonel, do you know whether or not the men who went out on detail were forbidden to bring back small items of that nature when they went out in the fields where they were working or in the towns that they may have been in, or other parts of the camp that they may have been to?

A No, I do not think so. I know only about the farm and the farm was not in operation at that time.

Q Colonel, was there any attempt made to set up a post exchange whereby foodstuffs, cigarettes, and so forth could be bought in the local market and then sold to the prisoners of war in the camp?

A Yes, there was. Before I was transferred over to the duty side, they brought in bananas, papaya and something else that had been bought through the Japanese, but if you didn't have any money, it just made your mouth water all the more because you didn't get any of it.

Q Was there a lot of gambling going on in the camp among the American prisoners of war?

A There was no gambling on the hospital side because everybody was too sick.

Q What about the other side?

A I slept in this bahay with a lot of older officers and there was no gambling there. As a matter of fact, they were glad to rest when they could.

Q Do you know if gambling was going on among the enlisted men in the camp?

A No, I don't know about that. I doubt if there was any gambling going on at that time.

Q Was there an American morale officer appointed by the camp commander?

A Yes.

Q Did they have a plan --

A I don't believe he was appointed that soon. I don't think that those activities started that early.

Q Do you know when they started, Colonel?

A No, I do not. I do not recall but, when I first came over there -- no, I don't recall. I know they had to get permission to hold church services.

Q Was that permission granted?

A At first only to the Catholic Church and later on

it was granted each time they wanted to have church services, but they had to put in a request for the time and place.

Q When did you leave Camp Cabanatuan, Colonel?

A November 15th of 1944.

Q Colonel, did you have occasion to visit the cemetery?

A Yes, I did. On Memorial Day of 1944.

Q Did they have Memorial Day services at the cemetery?

A Yes.

CAPTAIN CALYER: This is beyond the period in the Charge, Sir.

GENERAL DONOVAN: Let him answer the question. Well, he has answered the question. You answered "yes," is that correct?

THE WITNESS: Yes. They had Memorial Day services.

Q (By Lieutenant Nataupsky) Were steps taken to improve the conditions existing in the cemetery?

A At all times;the cemetery was in a low, boggy place and, of course, we objected to that. We kept asking continuously to do something so that I don't think there was any time during my stay there when the cemetery was discussed that a recommendation of some kind was not made that we go out and improve it by cutting the weeds or doing something like that.

LIEUTENANT NATAUPSKY: No further questions.

CAPTAIN CALYER: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Gard) Colonel, were there any Filipino prisoners of war at Cabanatuan?

A No, there were not.

Q Were you paid before the first of August, 1942, during the time you were a prisoner of war?

A I was not paid until December of '42; that is the first pay any of us received.

Q During the period to August 5th, did you receive any writing material? Did you get any of those printed form cards to check?

A No, I am positive I didn't receive any prior to that time.

Q (By General Donovan) How often did you have an opportunity to shave, if at all?

A Well, you had to go several days; I would hesitate to give a definite answer on that. We didn't have many razor blades.

Q Did you shave once a month or once a week?

A Maybe once or twice a week.

GENERAL DONOVAN: All right.

Q (By General McNaught) Colonel, it has been testified that the water was obtained through a pipeline. Do you have any idea of the source of that water that came through the pipeline?

A An artesian well, I believe. I don't know firsthand.

Q Was the water free of odor?

A Yes, sir.

Q And it appeared clear, did it?

A Yes.

Q Did our medical officers have any opportunity to check that water supply at all as to contamination, do you know?

A No, sir, I don't think they had any facilities for testing water at that time. As far as I know, they couldn't test it.

GENERAL McNAUGHT: That is all.

GENERAL DONOVAN: The witness is excused.

(Witness excused)

GENERAL DONOVAN: Before you call the next witness, I want to discuss these Exhibits that were submitted this morning, Colonel Meek and Major Skeen.

This morning a number of Exhibits, depositions, Affidavits and statements were submitted in connection with Specification No. 13, the so-called "Death March of Bataan." There were some seventy Exhibits, I believe.

The Commission has had an opportunity to examine these Exhibits closely and it is the opinion of the Commission that they furnish nothing in the way of probative value that has not already been submitted by oral testimony or other Exhibits prior to this time.

Therefore, all of those Exhibits, numbered as follows: 219 to 226, 230 to 236, 238, 240 to 242, 244 to 248, 250 to 255, 257 to 295, 297 to 301 are not accepted, or rather, they will be rejected.

(Prosecution's Exhibits Nos. 219 through 226, 230 through 236, 238, 240 through 242, 244 through 248, 250 through 255, 257 through 295 and 297 through 301, formerly accepted in evidence were rejected by the Commission.)

GENERAL DONOVAN: There were some 23 witnesses in this particular case and those Exhibits did not add anything in particular. We do not wish them to be a part of the record. That is the point I am trying to bring out.

Do you have anything on that, Major?

MAJOR SKEEN: Nothing.

GENERAL DONOVAN: Incidentally, the testimony that went into the record that Captain Ott called attention to on those Exhibits will stay in the record, so far as the Commission is concerned.

COLONEL MEEK: Yes, Sir.

GENERAL DONOVAN: It can stay in if you so desire, Major Skeen.

MAJOR SKEEN: All right, Sir.

GENERAL DONOVAN: Call your next witness.

RUDOLFHO B. PARRA

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Collyer) Will you state your name, grade and organization?

A Rudolfho B. Parra.

Q Your grade?

A Staff Sergeant.

Q Your organization?

A At this time I have no organization.

Q You mean you are a member of the army, unassigned?

A Yes, sir.

Q In May and June of 1942, were you in Cabanatuan?

A Yes, sir.

Q How long did you stay there?

A I was there until October of 1944.

Q What was your duty in camp during the period ending 5 August 1942?

A I was working in the hospital assigned to the hospital.

Q In that connection did you have occasion to observe American prisoners of war who were brought to the hospital?

A Yes, sir, I did.

Q Di you ever see any prisoners brought to the hospital who showed signs of mistreatment?

A Yes.

Q Will you explain what you saw?

A Well, there was many days that they would bring in patients with broken legs, fractured skulls, broken arms, bruised up all over. I can't remember the dates because I didn't pay any attention to the dates at the time.

Q Was that during the period from June to August, 1942?

A Yes, sir.

Q Could you tell from your observation or the medical history the causes of these injuries?

A The causes, from what I have seen, or what I was told, was from beatings by the Japanese.

Q Who told you that?

A My buddies who were out on details and also the beatings that I witnessed myself from details that were working in the hospital.

Q What did you observe, yourself?

A For instance, there was a detail, maybe 15 or 20 men working, cutting grass or whatever it may be that they were doing. Maybe one would stand up to stretch a little bit because he had been stooping over for the last hour or so, and the guard would see him and he would run up to him and knock him down and hit him with the butt of the rifle and kick him, and he didn't care where he kicked him either. Maybe in the face, stomach, anywhere; it didn't make any difference.

Q Are those things what you actually observed?

A Yes, sir.

Q Did you witness any executions?

A Yes, sir, I did; execution of two men.

Q When was that?

A That was about between the 1st and the 7th of July.

Q Do you know the names of those men?

A One was Jose - I can't quite recall, Gastelam, something like that was his last name; and the other was a fellow by the name of Red Sislan, or something like that, I can't quite remember.

Q Do you know why they were executed?

A These two fellows had been going in and out of the fence, and there were certain guards that they pay so much to and the guards would let them slip under the fence, and they would go out and buy what food they could and cigarettes, whatever it be, and they would come back. It happened that one of these times when they went out the guards changed on them and when they come back in under the fence there was a different guard. He got them and took them to headquarters.

Q Do you know what happened there?

A They were tied up outside of headquarters. About that day in the afternoon I went over across to the other compound.

Q That is the duty side?

A Yes; and at the time they had three of them tied up, both Red and Jose and another fellow, and you could tell by their faces, what part of their bodies you could see,

that they had been beaten up a bit.

Q Do you know whether any others were tied with them?

A Later on there were three more tied up with them. I didn't see those other three.

Q Do you know how long they were kept there?

A I don't remember, sir, how long they were kept there. I know it was over a day.

Q How long after you saw them there did you see Red and Jose executed?

A I can't recall how many days it was after; it was only a short time after that they were brought through the hospital, Red and Jose.

Q Now, just what did you see after they were brought through the hospital?

A In the evening about 6 o'clock they marched through the hospital by maybe 14 or 15 Japanese guards and an officer with them. They were taken right through the hospital, up through the fence to where a grave had been dug during the morning, and they were stood up right beside the grave. Earlier in the day there had been a Japanese who had come through the hospital and told us that everybody would get up to witness the execution of the two men; so when they were brought to the hospital everybody went up against the fence that could walk and stood by to watch. These two fellows were taken over and stood up, and I don't quite recall whether they were blindfolded or not. It seems to me that they were, and there was a firing squad of about 14 Japanese soldiers.

Q What happened?

A They lined them up, and as they went by the hospital they took two corps men, Sergeant Castel and Corporal Stewart, and they went over and stood by while these men were gotten ready there beside the hole, and then the officer lifted up his hand and gave some command, I imagine, dropped his hand; in the fire both of them fell, one inside the hole and we could see part of his body outside the hole. The officer who went over and looked at him pulled his pistol out and pumped a few more shots into him and then kicked him in the side. These two corps men were made to bury them.

Q By corps men do you mean the Sergeant and Corporal?

A Yes, the Sergeant and Corporal.

Q While you were working as corps man what facilities did you have to treat the patients?

A At that time we had no facilities, you might say. We didn't have any medicine or water, only what we could pick up in buckets when it rained, and we had many patients there.

Q About how many?

A I imagine at that time there must have been about 3000 maybe.

Q When did this happen?

A On or about July and June.

Q 1942?

A Yes, sir.

Q Do you know whether any attempts were made to obtain medicine from the Japanese?

A According to our commanding officer, the Japanese commanding officer that was in camp there told him there was nothing he could do about it. He said his hands were tied. He said the higher officials would give him absolutely nothing in regards to medicine.

Q Who was the American commanding officer at the hospital?

A Colonel Gillespie.

Q Do you know what diseases were represented in the hospital at that time?

A Yes; mostly dysentery, malaria, beri-beri, and we also had a little epidemic of diphtheria.

Q When you first arrived there what medicines, if any, did you have?

A The only medicines that we had were the little which we carried with us that we were lucky to have, quinine, atabrine, maybe aspirin, iodine, and the doctors had a little more variety of medicines.

Q About how long did that last?

A The quinine lasted about, I imagine, a week.

Q About how many men would you say you had at that time suffering from malaria?

A About 2000 in the hospital. There were a lot more suffering from malaria on the other side of the camp. We had all the medicine.

Q Do you have any idea about how many men died a day during that period?

A Yes, sir. There were between 30 and 50 men who died every day.

CAPTAIN CALMER: You may examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Sergeant, did you work in the same office with Colonel Gillespie?

A No, sir.

Q Did you work in the same building with Colonel Gillespie?

A No, I didn't.

Q Was it customary for him to talk with you concerning the discussions he had with the camp commander?

A Well, most of their discussions were discussed to the medical officers and men there.

Q Did he ever discuss them with you?

A I was in the group he was discussing them to.

Q Were you in the room when he told the other medical officers that the Japanese commanding officer told him his hands were tied behind his back?

A That is right.

Q Who else were present?

A All the corps men, the doctors; but we were using a galley there for a kitchen. We were all called in there by the Colonel, and he explained just the situation.

Q Was it customary for the Colonel always to call a meeting after his talks with the commander?

A It all depended. It depended on how he felt about it.

Q Did Colonel Gillespie say who was the one that was tying that knot around his hands?

CAPTAIN CALYER: Sir, this is only a figurative tying.

GENERAL DONOVAN: The question may be answered.

A According to the Colonel, what he told us was that -- Major Mori I think was the name of the commanding officer, Japanese commanding officer at the camp at the time -- he told us that Major Mori had told him that it was higher up officials that had him tied up where he couldn't get no medicine.

Q (By Lieutenant Nataupsky) Did he say who those higher up officials were?

A No, he did not.

Q Did he explain the reason why his hands were tied behind his back?

A No, he didn't.

Q Did you speak to these two men the day they were executed or the night before?

A I didn't.

Q How do you know the guard at the fence that they came through was changed?

A I happened to know Jose personally, and every time he used to go in and out we would wait for him and he would tell us whether or not he was going in and out and tell him, because there were other fellows going in and out.

Q How do you know the guard was changed that night?

A Because later he talked to other fellows, Jose and Red, and when Red was tied up he got loose when the Japs had him tied up, he got loose and wandered off and had some water and had a good talk to the fellows in camp. He was the one who related the story.

Q Was that in the hospital?

A According to the Colonel, what he told us was that -- Major Mori I think was the name of the commanding officer, Japanese commanding officer at the camp at the time -- he told us that Major Mori had told him that it was higher up officials that had him tied up where he couldn't get no medicine.

Q (By Lieutenant Nataupsky) Did he say who those higher up officials were?

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Q How do you know the guard was changed that night?

A Because later he talked to other fellows, Jose and Red, and when Red was tied up he got loose when the Japs had him tied up, he got loose and wandered off and had some water and had a good talk to the fellows in camp. He was the one who related the story.

Q Was that in the hospital?

A The duty compound.

Q He was executed in the duty side?

A No, in the hospital area.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

ELVARD L. DAVIS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Elvard L. Davis.

Q Where do you live?

A 84 Sarhento Mariano, Pasay, Rizal.

Q In June 1942, were you at Cabanatuan?

A 1942, right.

Q At what camp?

A Camp 1, Cabanatuan.

Q How long were you there?

A About three months.

Q During that time which side of the camp were you on?

A Hospital side.

Q Were you a patient?

A Yes, sir.

Q Were you required to do duties?

A No, sir.

Q Did you ever serve on any details while you were in the hospital?

A Yes, sir; just around the barracks.

Q What was your illness.

A Beri-beri and yellow jaundice.

Q Did you have an opportunity while you were there to observe details?

A Yes, sir.

Q What details?

A The burial details.

Q How frequently did you see that?

A Every day.

Q How many men were being buried each day; about how many?

A From 20 to 40.

Q Will you describe that detail as you saw it?

A The burial detail. First we would go over to the morgue and get the men and come out into an open field, and four men took a body, and while out in the field they would cover these bodies up with grass as best they could on the litters and wait for the other men to come out with the bodies of the others; and after they got all the bodies that were in the morgue they would march off to the cemetery.

Q Were those bodies ever buried with clothes on to your knowledge?

A No, sir, they were not.

Q Do you know what became of the clothes when men died?

A They were supposed to be washed and issued out to other prisoners of war.

Q Did you see that done?

A Yes.

Q Why was that done?

A Shortage of clothes.

Q Were you given any clothes by the Japanese?

A No, sir.

Q Did you see any executions while you were in the camp?

A I saw two men killed.

Q When was that?

A Sometime in the month of July.

Q How did you happen to witness that execution?

A They marched these two men right through the compound, right by our barracks, right straight through out on the other side of the compound and executed them.

Q Were you able to get up and go out?

A Yes, sir.

Q You saw the execution yourself?

A Yes, sir.

Q Do you know the names of those men?

A No, sir, -- I understood that one was a Sergeant Hill, but I didn't know the man personally.

Q Do you know whether or not there were any other executions in the camp at that time?

A There were supposed to have been four on the work detail side.

Q Those you did not see?

A No.

Q Were you ever on the work side?

A Yes.

Q When? Later on?

A In September.

LIEUTENANT NATAUPSKY: Could each barracks at Cabanatuan have a barracks police, a man on detail to each barracks?

A No.

Q Do you know that for a fact?

A No barracks police.

Q No barracks police at Cabanatuan?

A No.

Q You never had a man on barracks detail?

A No, sir.

LIEUTENANT NATAUPSKY: No further questions.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

The witness is excused.

(Witness excused.)

FRED G. THREATT

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A Fred G. Threatt.

Q What is your occupation?

A I am a civilian employed at the quartermaster's.

Q Do you live in Manila?

A Yes, 1127 M. Natividad Street, Santa Cruz, Manila.

Q In June 1942 were you at Cabanatuan?

A I was.

Q In what camp?

A Camp No. 1.

Q On what side?

A On the side for the healthy patients.

Q The duty side?

A The duty side.

Q When you were there did you see any executions?

A I did.

Q When was that?

A Sometime around the first of July.

Q Will you describe what you saw?

A Six men had been tied up in front of Japanese headquarters for about 48 hours. Four of them were taken out between 5 and 6 o'clock in the afternoon to the east side of camp, about opposite group number 3. They were executed by firing squads.

Q Did you see that yourself?

A I could see the prisoners. I could not see the firing squad.

Q Do you know whether or not there were any other executions?

A The other two men were taken towards the hospital.

Q Did you see that?

A I saw the men go away, but did not see the execution.

Q How long did you stay at camp No. 1?

A Until sometime early in July.

Q While you were at Camp No. 1 did you ever see any inspections by high-ranking Japanese officers?

A At one time we were notified that the general officer

was going to inspect the camp. The car came through with insignia of this grade officer.

Q Could you see the officer?

A I could see officers in the car, but I don't know who it was.

Q Did you ever know who they were?

A At that time, no.

Q When were you transferred to a different place?

A Around July 7 or 8 of '42.

Q Where did you go then?

A To Camp No. 3.

Q Where was that with relation to Camp No. 1?

A About 12 kilometers beyond Camp No. 1 in the direction of Balaring.

Q When you got to Camp No. 3 what conditions did you find?

A Slightly better than the Camp No. 1, but not quite as crowded.

Q What were the conditions otherwise?

A Plenty of flies.

LIEUTENANT NATAUPSKY: Sir, may I have the last answer read back?

GENERAL DONOVAN: Would the reporter read the last answer?

(Answer read.)

THE WITNESS: Open latrines, no bedding unless you had your own from Bataan; food very poor; water a little bit better as far as drinking was concerned, but for bathing it was not unless they took you to a river.

Q (By Captain Calyer) How frequently were you taken to a river?

A Possibly groups would be going out; you would get your chance possibly once a week or ten days.

Q Was that the only opportunity you had to bathe?

A It was.

Q Did you have any other opportunity to wash clothes?

A None, unless you went without permission.

Q Would you say generally the conditions at No. 3 were similar to those at No. 1 except the less crowded conditions?

A Yes.

Q Did you ever see any mistreatment of the American prisoners in No. 3?

A I saw three prisoners being punished for having missed a detail or something. They were alongside of Japanese headquarters and were forced to hold up some heavy blocks over their heads for an hour and a half. When they couldn't hold them up and would fall over they would be forced to pick them up again.

Q How long did that go on?

A Two hours; possibly longer.

Q Did you see any other types of mistreatment?

A No, I don't believe I did.

Q Those men that you just described holding the lumber, where was that?

A That was right in the rear of Japanese headquarters in our main camp in group two.

Q Who was in charge of Camp No. 3?

Q (By Captain Calyer) How frequently were you taken to a river?

A Possibly groups would be going out; you would get your chance possibly once a week or ten days.

Q Was that the only opportunity you had to bathe?

A It was.

Q Did you have any other opportunity to wash clothes?

A None, unless you went without permission.

Q Would you say generally the conditions at No. 3 were similar to those at No. 1 except the less crowded conditions?

A Yes.

Q Did you ever see any mistreatment of the American prisoners in No. 3?

A I saw three prisoners being punished for having missed a detail or something. They were alongside of Japanese headquarters and were forced to hold up some heavy blocks over their heads for an hour and a half. When they couldn't hold them up and would fall over they would be forced to pick them up again.

Q How long did that go on?

A Two hours; possibly longer.

Q Did you see any other types of mistreatment?

A No, I don't believe I did.

Q Those men that you just described holding the lumber, where was that?

A That was right in the rear of Japanese headquarters in our main camp in group two.

Q Who was in charge of Camp No. 3?

A The officer in command was Mori.

Q He was also in charge of Prison Camp No. 1?

A Yes, he was in charge of all prison camps.

Q While you were in Camp 3 did you ever see any inspections by high-ranking officers?

A I did.

Q Will you describe that?

A Sometime about the last of July the general officer and staff, with possibly 8 or 10 officers, came in and made a rather thorough inspection of the camp, going through the barracks and mess halls.

Q What was the condition of the camp at the time of the inspection?

A We had been notified before time to get it ready, and it was in shape.

Q Did you see the officer who made the inspection?

A I did. We were informed that General Homma was coming.

Q Did you see the officer?

A I did.

Q Do you see him in this room?

A I believe it is the Japanese over at the table there.

Q Are you sure of that?

A I am.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) While you were at Cabanatuan No. 1 you testified that you were told that there would be a general officer to inspect the camp, is

that not so?

A It is.

Q Did they tell you who that general officer was?

A Not that I know of.

Q Did you see that general officer?

A I saw a car which had the insignia of the general officer on it.

Q Will you please describe that car?

A The car, I couldn't describe it except it was a big touring car of the better class, with a yellow insignia.

Q Where?

A On the front of the car.

Q Insignia?

A Yellow pennant on the front of the car.

Q Did it have stars?

A We were warned that this car would have a yellow pennant, which I knew was the general officers of the Japanese army.

Q You didn't see the gentleman sitting at the table?

A I did not.

Q You testified that you saw some American prisoners of war tortured by having to hold rocks on their heads, is that correct?

A I did.

Q And that lasted for two hours or so?

A I would say about two hours.

Q Were you there all the time?

A I was.

Q The entire two hours?

A My barracks set just aside from the place or playground.

Q What time of day was this?

A I would say this was around 11 o'clock when they were put out there, and it lasted until 1 o'clock.

Q That is 11 o'clock in the morning until 1 o'clock in the afternoon?

A It is.

Q How many men in your barracks were watching the same thing?

A I would say in my barracks alone there were 100.

Q Watching that same thing you were? Watching these men with these rocks on their heads?

A I can't say they were watching at that time, but there were quite a few that were.

Q Between 11 o'clock in the morning and 1 o'clock in the afternoon?

A We had our lunch within that time.

Q Two hours, 11 o'clock until 1?

A Yes.

Q You say the place was cleaned up very well because you were told there was going to be an inspection. Why wasn't the place kept that way all the time?

A That would be rather hard for me to say. We did try to keep it as clean as we could, but we were given very few facilities.

Q The only time you would keep it clean is when you knew there was going to be an inspection?

A We were given more things to do it with at this time. They were also interested in cleanups.

Q You say you saw General Homma at the inspection of the Cabanatuan No. 3 Camp, is that correct?

A I did.

Q On what date was this?

A I couldn't tell you that. That has been almost three years ago.

Q You seemed to remember everything else.

A I remember the date I went up there, yes.

Q What day was that?

A I went up there something around July 4th or 5th.

Q How long after that was it that the inspection party came through?

A I would say just about the end of the month. Anyway, we were informed that General Homma was being relieved at this time. If you look up his record I think you can find out when it was.

Q Who told you that?

A I think it came from the Japanese interpreter.

Q The Japanese interpreter told who?

A The different people in camp with whom he was slightly friendly.

Q You mean to say the camp commander was slightly friendly with the people in camp?

A I didn't say the camp commander; the interpreter.

Q He gave them the information that he received at his own headquarters?

A I couldn't tell you that, sir; I don't know enough about the operations there to tell you that.

Q You say this inspection took place about the end of July?

A Yes, about the end of July.

LIEUTENANT NATAUPSKY: That is all.

EXAMINATION BY THE COMMISSION

Q (By General Gard) What special cleaning materials were issued to get ready for this inspection?

A I think we were permitted to have slightly more water for scrubbing, and some lime for the latrines.

Q Is that the first time you received any lime?

A I wouldn't say it was the first time, but it was one of the two times that we received any lime.

Q Any brooms, or anything like that?

A As I remember it we were not furnished brooms. We had to cut grass, or brush, or something, and make our own brooms.

Q Any rakes?

A Rakes, yes. We were given tools, bolos, and things like that, for cutting the grass around the camp, and they put on a special effort to get it all cut.

Q (By General Donovan) How long did this inspection party stay up there?

A I would say it stayed there easily for two or three hours.

Q Where did you see them?

A I saw them when they passed immediately in front of my group, which was lined up alongside of our barracks. We opened ranks and they passed in front and in the rear. Some of the officers were going through the barracks, too.

Q In a car, or walking?

A In the camp, through the camp, walking.

Q Walking?

A Yes, sir.

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Q In a car, or walking?

A In the camp, through the camp, walking.

Q Walking?

A Yes, sir.

Q Did he go into the living quarters?

A They went to the living quarters, yes, sir.

Q How long did you say they stayed at camp?

A I would say at least two hours; not less than that; and possibly three.

GENERAL DONOVAN: Anything else?

LIEUTENANT NATAUPSKY: On further question.

FURTHER CROSS EXAMINATION

Q (By Lieutenant Nataupsky) Would you say the conditions of the camp were extremely good the day the inspecting officer came through?

A I wouldn't say they were extremely good. I would say they were better than they had been, because we had more material to clean up with.

LIEUTENANT NATAUPSKY: No further questions.

CAPTAIN CALYER: There is one other matter that I overlooked.

REDIRECT EXAMINATION

Q (By Captain Calyer) Do you know if there were any executions at Camp No. 3?

A I saw the graves of, I believe, four men, yes.

GENERAL DONOVAN: Did you see these executions?

THE WITNESS: No, I did not see them.

CAPTAIN CALYER: That is all.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

RALPH E. BROOKS

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

Q Did he go into the living quarters?

A They went to the living quarters, yes, sir.

Q How long did you say they stayed at camp?

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called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, please?

A My name is Brooks, Ralph E.

Q Where do you live, Mr. Brooks?

A I live at 231 T. Claudio Street, Interior Baclaran, Pasay, Rizal.

Q In July, 1942, were you at Cabanatuan?

A Yes, sir.

Q As a prisoner of war?

A Yes.

Q In which camp?

A First at Camp 1, and then later on at Camp 3, and then back again to Camp 1.

Q When did you first arrive at Camp 1?

A Well, we arrived there on the 3rd day of July.

Q How long did you stay at No. 1.

A Well, when we arrived there we stayed there for four or five days.

Q Very briefly, what was your experience in Camp 1?

A Well, --

Q Did you see anything unusual?

A Yes; I saw a lot of men being carried out, about 40 of them. They looked like they had starved to death. That was the first thing I saw.

Q Were they dead?

A Oh, yes, absolutely.

Q What was their condition?

A These men were carried out on stretchers made of

wood.

Q What was the condition of the bodies?

A Well, they were skin and bones, that is about all I can say.

LIEUTENANT NATAUPSKY: What was that answer?

(Answer read.)

Q (By Captain Calyer) While you were there did anything happen to you individually?

A Nothing happened to me.

Q Did you lose anything?

A Lost some clothes; they took clothes away from us, shoes and things like that.

Q Anything else?

A Yes; they took a razor away from me, and a mess knife, and a few other little items. I don't remember exactly what they were.

Q Did they take any money from you?

A No, sir.

Q From Camp No. 1 where did you go?

A We went up to Camp No. 3.

Q How long were you there?

A We were there until November.

Q Did you see anything unusual while you were at No. 3?

A Well, sanitary conditions there were nonexistent, almost, you might say. We had to stand in line for from anywheres to three or four hours to get a canteen of water. Only one water pipe in the camp.

Q How about the food?

A Nothing but rice and some kind of weeds that they

wood.

Q What was the condition of the bodies?

A Well, they were skin and bones, that is about all I can say.

LIEUTENANT NATAUPSKY: What was that answer?

(Answer read.)

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(Answer read.)

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Q How about the food?

A Nothing but rice and some kind of weeds that they

boiled up for us. A half a mess kit full of rice, with rocks and dirt in it, and things like that.

Q Do you know if there was any food available around there?

A I couldn't say that I know it was there or not, but it should be there at that time of the year.

Q While you were there did you ever see any inspections of the camp by Japanese officers?

A Yes, sir.

Q When?

A About ten days after we arrived there -- that was in July.

Q Toward the latter part of July would that be?

A Well, we arrived there, I should say, about the 5th or the 6th, and we were there -- yes, it was in the latter part of July, maybe the third week of July.

Q Do you know who the officers were?

A No, sir.

Q Do you know whether they were general officers or not?

A No, I don't, but I imagine they were. They all wore boots and carried sabers, and there were six or eight in the party.

Q You don't know any by name?

A No, sir.

Q Do you recognize any of them as being here?

A No, they were too far away.

Q You were not able to see who they were?

A No.

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Q Do you recognize any of them as being here?

A No, they were too far away.

Q You were not able to see who they were?

A No.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) In Camp No. 3 you were broken down into various groups, is that not correct?

THE WITNESS: What is that?

LIEUTENANT NATAUPSKY: Will you read the question?

(Question read.)

A That is correct.

Q (By Lieutenant Nataupsky) Did each group have its own kitchen?

A Well, I only know of one kitchen that was organized by a gang of us civilians. There were about 215 of us there, and we had a kitchen organized there, and we did our own work in the kitchen.

Q Did you do your own cooking in the kitchen?

A Our men did the cooking.

Q The prisoners of war?

A Yes, sir.

Q Was there much unauthorized borrowing going on around by prisoners of war?

GENERAL DONOVAN: What do you mean? Do you mean money?

LIEUTENANT NATAUPSKY: Well, borrowing or stealing.

GENERAL DONOVAN: Well, why don't you call it stealing?

A No one stole anything from me, because I didn't have anything, I guess.

Q (By Lieutenant Nataupsky) Were you present at all times when the Japanese took your clothing away?

A Yes.

Q When did they take your clothing away?

A In July.

Q What time?

A When we arrived there.

Q What time of the day was that?

A About five o'clock in the afternoon.

Q You were present when they took it away?

A Yes. Of course I was there.

Q Was anybody else there?

A Oh, yes, there were a lot of people there.

Q And all the clothes were taken away from the others?

A No, not all clothes, but most of the clothes.

Q Did you ever see any Japanese Army officers wearing boots and sabers and still not be a general officer?

A I don't know anything about the Japanese Army. I don't know what the officers wear, or anything like that.

LIEUTENANT NATAUPSKY: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) What kind of an automobile was this that the inspecting party was riding? Did they have any flags on them?

A Automobiles?

Q Yes; when this inspecting party came up to Cabanatuan.

A Well, they didn't bring the automobile right into the camp, because they couldn't. They came up in a big automobile. I thought it might be a Cadillac from the looks of it, but they didn't bring it into the camp.

Q Did it have a flag on it?

A Yes.

Q When did they take your clothing away?

A In July.

Q What time?

A When we arrived there.

Q What time of the day was that?

A About five o'clock in the afternoon.

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Q Did it have a flag on it?

A On the front of the automobile was a flag.

Q What kind; what color?

A Well, I don't remember what the figure was on it.

Q How close did you get to these people?

A Oh, about a quarter of a kilometer.

GENERAL DONOVAN: Any other questions?

LIEUTENANT NATAUPSKY: Nothing further, sir.

CAPTAIN CALYER: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

CAPTAIN CALYER: I have no other witnesses available at this time, if the Commission please. There are three others who have been subpoenaed. One who was here earlier in the day had to leave. I would like permission to go on with this tomorrow morning, if I may.

GENERAL DONOVAN: What else do we have tomorrow morning?

CAPTAIN CALYER: I have immediately following this, sir, Specification No. 35, I believe it is. It is the Calumpit work detail, which follows this.

GENERAL DONOVAN: How many witnesses will you have?

CAPTAIN CALYER: In that one there are four.

GENERAL DONOVAN: We will adjourn and meet tomorrow morning at 8:30.

(Whereupon, at 1745 hours, 18 January 1946, the trial was adjourned until 0830 hours, 19 January 1946.)

(184)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XVI

PAGES 2138 TO 2187

PAGES 2243 TO 2298

MANILA, P. I.

DATE 19 January 1946

COPY No. 13

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

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	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

- - - - - - - - - - - - - - -

High Commissioner's Residence,
Manila, P. I.,
19 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter
FIRST LIEUTENANT CHARLES F. HUSTON, AGD

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

PUBLIC SESSION

	DIRECT	CROSS	REDI	RECR	COMMISSION
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Edward Normandy	2143	2146	2148		
Gilbert Isban Cullen	2151	2161			2162
Fausto Carlos	2171	2176	2178		
Lucila Lacanilao	2178	2178			
Bienvenido Cruz	2183	2186			
Toshimitsu Takatsu	2243				
Rudolfho B. Parra	2245	2247	2250	2254	2250
Thomas H. Bogie	2255	2259	2260	2261-2	2260-2
Earl W. Southwell	2263	2268			2267
Fred A. Anhorn	2269	2273	2274	2275	2273-5

EXHIBITS

PROSECUTION EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
412-417	2149	
412-417 - withdrawn - 2151		
412	2158	2160
413	2158	2160
414	2168	2168
415	2169	2169
415 - rejected - 2179		
416-417 (See closed session)		
418	2276	2276
419		2277

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with four members of the Defense staff. The Prosecution is present, and we are ready to proceed.

REIN MERISAAR

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A Rein Merisaar.

Q Where do you live?

A Rizal Street, 1021, Manila.

Q In May 1942 were you at Cabanatuan?

A Yes.

Q In which camp?

A Camp No. 3.

Q When did you arrive at Camp No. 3?

A 27 May 1942.

Q 1942?

A Yes, 1942.

Q Shortly after your arrival did you witness some executions?

A Yes.

Q When was that?

A The day I arrived Camp No. 3.

Q When were the executions?

A Up that march.

Q No, when, on what date were the executions that you saw?

A 27 May.

Q Now, will you explain what you saw?

A Make that march to Cabanatuan Camp No. 3, had no water; the Japanese no give water.

Q Just a minute, please. All that I want you to explain about is the killing that you saw at Camp No. 3.

A Yes, sir.

Q Now, what date was that?

A I think the first part of June, 1st or 2nd of June.

Q All right. Now, will you explain what you saw?

A The Japanese, I see four American soldiers.

Q Will you explain more in detail. Where did you see the Americans, these four Americans?

A Mans are tied up two or three days up there at Camp 3.

Q What happened to them after that?

A Shoot them.

Q Who shot them?

A Japanese.

Q How many Japanese were with the Americans when they were shot?

A I think five or six Japanese.

Q Do you know who the Japanese officer was?

A No.

Q What was done with the Americans? Tell me just what you saw.

A I saw line up four men; the Japanese shot four men.

Q Where were they lined up?

A Lined up by that hole.

Q Where was the hole?

A Hole up there behind the camp.

Q Were the Americans tied?

A Yes, hands tied.

Q When they were lined up did any of the Japanese say anything?

A Japanese officer speech there something; I don't understand Japanese.

Q After the officer --

A After that the Japanese, he ordered shot.

Q After the shots were fired, what happened to the Americans?

A Push in this hole and cover up with dirt.

Q By whom were they covered up?

A By some other prisoners, cover up that hole.

Q Do you know the names of any of those men who were shot?

A No, sir.

Q They were American prisoners?

A They were, yes.

CAPTAIN CALYER: You may cross examine.

GENERAL DONOVAN: Will you read all that testimony back?

(Record read.)

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) What group were you assigned to at Camp No. 3?

A Camp 3, sir.

Q Strike that, sir. What group were you assigned to when you first arrived at Cabanatuan?

A Group 3.

Q Were you there all the time that you were at Cabanatuan?

A Not all the time. After I removed group number 3.

Q Were you at group number 3 at the time of the execution?

A. Yes, sir. I crossed this place 200 yards.

Q What area did you say the execution took place in?

A Group 3.

Q The execution took place in group 3?

A Yes.

Q Did that take place near the headquarters of the Japanese?

A No, very far Japanese headquarters.

Q Did you ever see these four men before they were executed?

A Yes, I see these people tie, sir, near Japanese office.

GENERAL DONOVAN: Read the question again.

(Question and answer read.)

GENERAL DONOVAN: Will you answer that question?

A Yes, I did.

CAPTAIN CALYER: May I request him to repeat the answer he gave before.

GENERAL DONOVAN: Repeat the answer he gave before?

(Answer re-read.)

GENERAL DONOVAN: That is all right.

THE WITNESS: Near Japanese office.

Q (By Lieutenant Nataupsky) Do you want to show on this map where the Japanese office is?

A I believe this is the last group here (indicating).

Q You were living in this last group?

A Yes.

LIEUTENANT NATAUPSKY: I want it to be shown in the record that the witness is pointing to group number 1 as the place he was living at the time of the execution.

GENERAL DONOVAN: That is Exhibit 409?

LIEUTENANT NATAUPSKY: Exhibit 409, sir. He is now pointing to the east side of the camp near the main road, near group 2 and 3, as the place where the Japanese had their office.

Q (By Lieutenant Nataupsky) Did you say the execution took place in group 3?

A I don't remember that group 3. After I move other group.

CAPTAIN CALYER: One question, sir. Sometime after the executions were the group numbers changed?

A Yes, after the group numbers were changed.

CAPTAIN CALYER: That is all, sir.

GENERAL DONOVAN: Anything further?

LIEUTENANT NATAUPSKY: No further questions.

GENERAL DONOVAN: I wish you would take this chart and ask him where the executions took place. We don't care what group. We would like to know the area.

REDIRECT EXAMINATION

Q (By Captain Calyer) I show you Prosecution's Exhibit No. 409, and ask you to point out on this diagram the spot where the executions occurred?

A I believe it was this spot (indicating).

Q Where did the shooting take place?

A Up across there (indicating); like this, this way (indicating); inside.

CAPTAIN CALYER: The witness indicates a point towards the lower left-hand corner of the page, approximately between the contour lines marked 30 and 40, and near the line which apparently marks a barbed wire fence.

GENERAL DONOVAN: That is all right.

CAPTAIN CALYER: May I ask one other question?

Q (By Captain Calyer) Was that inside or outside of camp?

A Inside camp.

GENERAL DONOVAN: Anything further?

CAPTAIN CALYER: Nothing further.

LIEUTENANT NATAUPSKY: Nothing further.

GENERAL DONOVAN: Witness is excused.

(Witness excused.)

EDWARD NORMANDY

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A My name is Edward Normandy.

Q Where do you live?

A San Fernando, Pampanga.

Q In 1942 were you in Cabanatuan prison camp?

A Yes, sir.

Q In which camp were you first?

A In 1942 I came from Camp O'Donnell to Camp No. 1 at Cabanatuan.

Q When did you arrive at Camp No. 1?

A Sometime in the latter part of May or first part of June; I don't remember the date exactly.

Q During the time that you were at Camp No. 1 in what building were you quartered?

A The first building that I was quartered in was number 69 way at the other end of the compound.

Q Will you explain to the Commission what water was available?

A For the first two days we had practically no water at all. After the first two days, for the next five days, we had no water whatsoever. In the morning about 5 or 6 o'clock, there used to be a detail of 8 or 9 men loaded down with canteens, lined up at the water spigot waiting all day trying to get water. But we had no water for five days then.

Q Do you know whether there was a water supply available at the camp?

A Yes, sir, there was.

Q How do you know that?

A Because a friend of mine, Mr. Corbett, was working at the pump house and he said there was plenty of water, but the Japanese used to cut it off all the time.

Q Do you remember a boy at the camp who had sinus trouble?

A Yes, he was right across the aisle from me.

Q Will you explain what happened to him?

A He went to sick report for three or four days in succession. The doctors tried to get him into the area which we call the hospital area.

Q Which doctors?

A There was Dr. Long and a few more doctors.

Q American doctors?

A Yes, American doctors.

Q What happened?

A The Japanese would not allow him to go over there because they claimed there were too many men in there already, so he was forced to return to the barracks. The doctors done what they could for him, but one night at about 3 o'clock in the morning he died of sinus trouble; he choked to death.

Q Do you remember about when that was?

A That must have been sometime around June 5th, sir.

Q Subsequently, were you transferred to Camp No. 3?

A Yes, sir. On July 6th all the civilians in my group were taken to Camp No. 3.

Q Did you witness any executions at Camp No. 3?

A No, sir, I did not, but I saw the graves of four men who had been shot there.

Q How did you know that?

A The grave was close to the gate which we used to go down to the river to take a bath.

GENERAL DONOVAN: That does not mean they were shot because he saw the graves.

CAPTAIN CALYER: I am trying to ascertain that.

Q (By Captain Calyer) How do you know they were shot?

A Because the other boys in the compound told us that when they first opened the camp, in the latter part of May, these boys tried to get out to get some supplies and they were caught on the way back and shot.

Q What was your experience at Camp No. 3?

A Sir?

Q What was your experience at Camp No. 3?

A It was about the same as at Camp No. 1. It was in terrible shape.

Q What was the condition of your health?

A I was in very bad shape then. I was tied up with rheumatism, sir.

Q Were you forced to work?

A They tried to make me work, but I could not work so I was marked quarters, but they wouldn't allow me to stay in quarters. The Japanese had issued orders that everybody had to be out of the quarters all day long. So I was forced to lay on the ground, although it was the rainy season, until one day I appealed to Dr. Long, and through some way he managed to get me back into the quarters in the daytime.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Lieutenant Nataupsky) What did you do before you were taken prisoner of war by the Japanese?

A Sir?

Q What did you do before you were taken prisoner of war by the Japanese? What position did you hold?

A I was chief of the mechanical department for the Pampanga Bus Company.

Q Were you in the army?

A No, sir.

Q What were your duties with this bus company?

A Chief of the mechanical department, sir.

Q Were you a mechanic yourself?

A Yes, I am.

Q Did you yourself actually work on these motor vehicles?

A I did, yes, sir.

Q Did you always work on the motor vehicles?

A Always for the last 30 years.

GENERAL DONOVAN: He has testified that he was a mechanic, that he worked on vehicles. I do not see what this line of questioning has to do with it now. If you want to set this up for something else, well, all right.

LIEUTENANT NATAUPSKY: This man claims that he had rheumatism and could not do any work in the camp, yet he was able to handle a civilian job, as a mechanic, which requires a man to get down sometimes underneath a vehicle, and a case of rheumatism just doesn't happen overnight.

GENERAL DONOVAN: All right, go ahead.

Q (By Lieutenant Nataupsky) Were you there at the camp when the soldier died because of choking?

A Yes, sir, he died right across the aisle from me,

in barracks number 69.

Q Did an American Army doctor come in to examine him to see if he was dead?

A In the morning.

Q Were you there?

A Yes.

Q Did he give the cause of death?

A Yes, he said the boy had choked to death.

Q Did he say why he choked to death?

A He said it was sinus trouble, sir.

Q Do you know the name of that man?

A I don't recollect.

Q You say he was sleeping right across from you?

A Yes, sir.

LIEUTENANT NATAUPSKY: No further questions.

GENERAL DONOVAN: Anything further by the Commission?

(No response.)

CA PTAIN CALYER: May I just straighten out one point, sir?

GENERAL DONOVAN: Yes.

REDIRECT EXAMINATION

Q (By Captain Calyer) Mr. Normandy, how long after you had been working as a mechanic was it that you got to Camp No. 3?

A I didn't catch that question.

GENERAL DONOVAN: That is all right. Will you withdraw the question?

CAPTAIN CALYER: Yes, sir. That is all I have.

GENERAL DONOVAN: Witness excused.

(Witness excused.)

CAPTAIN CALYER: Will you mark these exhibits, please.

(Statements marked Prosecution Exhibits 412 to 417, inclusive, for identification.)

CAPTAIN CALYER: If the Commission please, I had one other witness subpoenaed on this case, but they have been unable to find him. Since that time we have had him subpoenaed again, but he has moved, and we do not have his address. Therefore, we have been unable to produce him.

If the Commission please, at this time the Prosecution wishes to offer into evidence several groups of statements referring to various matters in connection with Cabanatuan.

GENERAL DONOVAN: How many groups in all?

CAPTAIN CALYER: There are four.

GENERAL DONOVAN: How many statements?

CAPTAIN CALYER: There are 19 statements in all. The first group is statements referring to general conditions and specific instances at Cabanatuan camps. The second group refers specifically to medical conditions in the camp. The third group refers to executions at Camp No. 1, and the fourth refers to executions at Camp No. 3.

GENERAL DONOVAN: Is this additional testimony to what we have already had?

CAPTAIN CALYER: Some of it would be merely corroborative.

GENERAL DONOVAN: We don't want any statements that are not over and above the testimony we have already had.

CAPTAIN CALYER: The difficulty with all of these is

that the statements were taken at a time when it was not known for what purpose they would be used, and in many instances there is material in them that would be corroborative and other material that would not be.

GENERAL DONOVAN: I wish you would take a look at them and submit them this afternoon. We don't want them unless it gives something new to the case. We have had a number of witnesses here from Cabanatuan.

CAPTAIN CALYER: I realize that. These have already been cut from a group of approximately 75 statements that we originally had.

GENERAL DONOVAN: Well, take another look at them.

Major Skeen, have you had a look at these statements?

MAJOR SKEEN: I believe we have had copies of them.

GENERAL DONOVAN: Is there any part of them that you desire to read in?

MAJOR SKEEN: I personally haven't looked at them.

LIEUTENANT NATAUPSKY: I have looked at them, sir.

GENERAL DONOVAN: Are there any parts of these statements that you desire?

LIEUTENANT NATAUPSKY: No, I have no objection if counsel for the Prosecution wishes to introduce them.

GENERAL DONOVAN: What about the Defense? Is there anything in the statements that you want to call attention to?

LIEUTENANT NATAUPSKY: If they do introduce them and they are accepted into evidence, then there are a few things I may want to call the Commission's attention to?

GENERAL DONOVAN: We will take them up later on.

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CAPTAIN CALYER: So that the record may not be confused, may I request that the numbers placed on these thus far be removed, and we will put numbers on them in proper order when they are resubmitted?

GENERAL DONOVAN: All right.

(Prosecution Exhibits No. 412-417 for identification were withdrawn.)

CAPTAIN CALYER: That, sir, concludes the testimony on Cabanatuan with the exception of these statements.

CAPTAIN RAFF: Sir, the Prosecution desires to proceed under Specification 19, commonly called the torture of Dr. Cullen.

GILBERT ISBAM CULLEN

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Raff) Will you please state your full name, age and nationality?

A Gilbert Isbam Cullen; about 68 -- 67 or 68 years old, and I am an American.

Q Doctor, sit back comfortably in the chair and talk to the Commission in response to my questions.

A Do you wish me to stand up, sir?

GENERAL DONOVAN: No, you just sit back and relax.

Q (By Captain Raff) What is your profession?

A Well, I am in the United States Public Health Service and also the medical department of the army now; physician and surgeon.

Q For how long have you been such?

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Q (By Captain Raff) What is your profession?

A Well, I am in the United States Public Health Service and also the medical department of the army now; physician and surgeon.

Q For how long have you been such?

A Since 1898.

Q Where do you reside, Doctor?

A My official residence is Iloilo, Iloilo Province, Panay, P. I.

Q The street address?

A 735 Matapang, Quiapo. In Iloilo it is No. 270 Mandurriao; I have two addresses.

Q Now, in the beginning of 1942, Dr. Cullen, where were you living?

A In 1942?

Q Yes.

A That is right. I was at my residence up to the 16th of April, about 6 o'clock in the morning, of 1942 --

Q Now, where was that?

A Iloilo; 270 Mandurriao.

Q That is on the Island of Panay, is that correct?

A Yes, City of Iloilo, Province of Iloilo, Panay, P. I.

Q Were you interned by the Japanese in April of 1942?

A Yes, sir, I was.

Q When?

A On the 16th of April, 1942, about 6:30 in the morning, or between that and 7 o'clock in the morning I was in the house of Mr. William Greenbaum, in Las Pas, which is a part of Iloilo, and I reported to the Japanese officer who came there with four soldiers. I reported to him for registration. I was told to remain there in the house; also in the yard. We remained there with four others until the 19th of April, when a Japanese officer came and took us out to Jaro, which is a town in Iloilo, three or

four kilometers from Iloilo City, and I remained there until the 29th, April 29th, when we were taken down to the provincial prison in Iloilo.

Q Go ahead.

A I was confined in there, in cell number 6, from the 29th of April until the 5th of May, when I was transferred to cell number 2. Remained there in cell number 2 until, I think, the 2nd of January, 1943. That is my best recollection. I have no memorandum of that that I made at the time, so it is purely from memory.

Q Now, Dr. Cullen, while you were in the provincial jail in Iloilo City, were you tortured by the Japanese?

A Yes, sir.

Q Do you recall or can you recall the date?

A When they began?

Q Yes.

A The 16th of May, 1942, just after breakfast, early in the morning -- I don't remember the hour.

Q For how long a period were you tortured?

A Well, my recollection is that it was the best part of the day, because the way I fix that is that after -- some time after noon they brought me over some lunch. That was after noon, and I know that they kept me quite a while after that, but it was very hard to estimate how long it was.

GENERAL DONOVAN: Just ask the witness what happened, will you?

Q (By Captain Raff) What happened?

CAPTAIN RAFF: May I ask this question first: Who

tortured you, if you know?

THE WITNESS: Well, I didn't know who they were, but Japanese soldiers.

Q (By Captain Raff) What happened?

A All I know is that I didn't recognize them as the Japanese from Iloilo, who I knew most of them, having been the doctor for them for 15 or 20 years.

Q Now, tell us, Doctor, what happened to you?

A Well, I will have to do the best I can with my memory; that is four years ago.

Q Your best recollection is good enough.

A The first thing when I went in they asked me my name and where I was born and where I had gone to school. At first they asked me that, and they asked me what I had done, and a lot of questions like that that I can't remember now. Then the inquisitor said, "Now, be very careful and tell the truth. Don't tell any lies," to which I answered that I would tell the truth because I had no reason to tell any lies.

At that time, about that moment, the first thing I received was a blow right across here with -- as near as I can remember -- a club, a little smaller than a baseball bat.

CAPTAIN RAFF: Will the record please indicate the right abdomen.

THE WITNESS: The blow was right here, practically over this point, that is the anatomical location, where the right iliac -- that was given to me by a man who was standing -- I was in this position and he was standing right

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THE WITNESS: The blow was right here, practically over this point, that is the anatomical location, where the right iliac -- that was given to me by a man who was standing -- I was in this position and he was standing right

about here, and he struck me across me here and knocked me down. Well, I fell far enough to hit that screen over there and then I hit the floor. Then he gave me quite a hard kick with a very heavy boot right about here and told me to get up, which I did, as soon as I could. Then they proceeded to ask me some other questions. In a very few moments I was given another blow, somewheres on my body. I don't remember where it was, but it was back here somewheres, and they kept that up practically all the time that I was being questioned, with an occasional slap or fist.

Q Now, was there any torture with respect to your hands, do you recall?

A Yes, particularly my left hand and this, this finger here, you can see where it was broken and dislocated by a blow. These fingers were nearly all dislocated this way, and this thumb was dislocated across here. This little finger was broken in two places and dislocated here. My other fingers on my other hand, particularly this one, they were dislocated or fractured and all bruised with either this same club or another one; I don't remember if it was the same one or not.

Q During all this time they were questioning you, is that right?

A They were questioning and talking to me, asking me about military information of the American forces and where they were located, and how many there were and what they were doing and what their customs were, and general questions of that nature. Then they got down to wanting

about here, and he struck me across me here and knocked me down. Well, I fell far enough to hit that screen over there and then I hit the floor. Then he gave me quite a hard kick with a very heavy boot right about here and told me to get up, which I did, as soon as I could. Then they proceeded to ask me some other questions. In a very few moments I was given another blow, somewheres on my body. I don't remember where it was, but it was back here somewheres, and they kept that up practically all the time that I was being questioned, with an occasional slap or fist.

Q Now, was there any torture with respect to your hands, do you recall?

A Yes, particularly my left hand and this, this finger here, you can see where it was broken and dislocated by a blow. These fingers were nearly all dislocated this way, and this thumb was dislocated across here. This little finger was broken in two places and dislocated here. My other fingers on my other hand, particularly this one, they were dislocated or fractured and all bruised with either this same club or another one; I don't remember if it was the same one or not.

Q During all this time they were questioning you, is that right?

A They were questioning and talking to me, asking me about military information of the American forces and where they were located, and how many there were and what they were doing and what their customs were, and general questions of that nature. Then they got down to wanting

to know who it was that was doing some broadcasting just before the -- a few days before the Japanese came in, that is the 16th of April. They wanted to know who he was and where he was and what he was and what he did and all about him. I told him that I didn't know; I couldn't give them any information.

Then they wanted to know about the military information of the American forces, where they were located, how many there were and so on. I told them I didn't know where they were located and I didn't know exactly how many there were, that I had had no connection with them whatsoever and I hadn't been to where they were supposed to be, and I hadn't heard recently where they were.

Whereupon he said, "Well, you were actively connected with the military forces, the military people at the time of the attack here on Iloilo." I said, "No, sir, I haven't had any connection with the War Department or the military organization for about 40 years."

I can't just remember when it was, but if I could get it in my records I could tell you exactly, but I think it was about 1902, that is my recollection, about the middle of the year.

(2 photographs marked Prosecution Exhibits No. 412 and 413 for identification.)

Q Doctor Cullen, might I interrupt you for a moment to ask you whether you received any injuries to your legs at that time?

A Yes, I received very decided injuries. A little bit later -- I was coming to that later.

Q I wish you would keep right on the torture, just what they did to you.

A A little bit later, after a good deal of this beating and twisting my hands around and twisting my legs around, and my feet and my arms, a little bit later they tied me up. I think they had a bed standing up on end, if I remember right. I might be mistaken about that. They tied me up, sir, with my thumbs like this (demonstrating), and around with a small rope like a cord. I was suspended by my thumbs. I was later suspended by my big toes. And during that time I had continuous beatings.

GENERAL DONOVAN: I would like to find out how they suspended him by his thumbs.

Q (By Captain Raff) Will you explain a little more in detail the method they used to suspend you by your thumbs?

A They put them together like that (demonstrating), and took a small rope like a clothes line, and tied around there, and tied it, pulled it tight, and put it over a cross piece like that (indicating) and pulled me up.

Q Were your feet off the ground?

A Yes, sir.

Q How long were your feet off the ground at that time?

A I don't know, maybe a foot or two. I didn't look down, but I imagine.

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Q Were your feet off the ground?

A Yes, sir.

Q How long were your feet off the ground at that time?

A I don't know, maybe a foot or two. I didn't look down, but I imagine.

Q Go ahead.

A And during that time they were asking more questions about radio and about broadcasting and about messages that were sent, and about the Americans -- that is, the American forces.

Q Now, Doctor Cullen, will you just explain a little more the injuries which you sustained to your legs?

A Well, then later I was tied up by my legs -- by my big toes, the same way, and also about that time -- I don't remember exactly -- about that time they did something to the big toenail of this foot (indicating). They either pulled it loose, lifted it up, or pulled it loose, or did something. I didn't see what they were doing. The pain was most intense. All the time they were asking me the name of this man who was supposed to be broadcasting a few days before, the 16th of April, before the invasion, and they would ask me, "Do you remember now who that was?" And then there would be something else done which was causing more intense pain.

Now this big toenail, in growing, grows thick instead of growing out, and it grows so every few months I have to file it down, because otherwise it gets so thick it is painful pressing against my shoe.

Q I believe you started to say you were suspended by your toes, is that correct? Just explain how that was done.

A The same as the thumbs; down around like this (demonstrating), drawn tight, and then the rope forced up and I was suspended.

Q But your head was hanging down off the ground?

A About that far, more or less (indicating).

Q About a foot, or a foot and a half?

A About a foot and a half or two feet.

Q Were your hands tied at that time?

A I think they were tied behind me.

Q I show you Prosecution's Exhibit marked for identification 418 and ask you if you can identify that photograph?

A Yes, sir; this was made at the photo laboratory of the Signal Corps at the Rotunda, and it was taken on the request of Mr. A. C. Watson, who came here from Washington to make the investigation.

Q What does it show, Doctor?

A He made this with a number of other photographs the same size.

Q What does it show?

A It shows here the condition of my toe here and some inflammation that was still present around my ankle.

Q Does that show an injury that you received to your left foot as a result of the torture you have described?

A Yes, sir; and I still feel the effects from it very decidedly.

GENERAL DONOVAN: When was that photograph taken?

CAPTAIN RAFF: About 23 July 1945.

THE WITNESS: About the middle of July last year. I don't remember the exact date, but it was about the middle of July.

CAPTAIN RAFF: The record will please show that I have offered it for identification, Exhibit 412, instead of 418. I offer in evidence this exhibit.

A About that far, more or less (indicating).

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THE WITNESS: About the middle of July last year. I don't remember the exact date, but it was about the middle of July.

CAPTAIN RAFF: The record will please show that I have offered it for identification, Exhibit 412, instead of 418. I offer in evidence this exhibit.

MAJOR SKEEN: As to this exhibit, the Defense thinks it is immaterial -- it is entirely immaterial with the witness here present on the stand, -- and I see no reason for putting this and similar exhibits into the record.

GENERAL DONOVAN: This exhibit will be accepted.

(Prosecution Exhibit No. 412 for identification was received in evidence.)

Q (By Captain Raff) I show you Prosecution's Exhibit 413, Doctor Cullen, and ask if you can identify that?

A This was a photograph taken at the same time, the same date, and it shows the injury done more to this hand (indicating left hand). This hand, it shows that I can close it without any trouble. This is my right hand. The same way I can do the fingers separately, because this hand was not treated as brutally as the left hand (indicating). This is as far as I can close the left hand (indicating).

Q Is that as a result of the torturing?

A As a result of hammering and mistreatment, and because they were dislocated.

CAPTAIN RAFF: I offer this in evidence, Exhibit 413.

MAJOR SKEEN: Same objection.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 413 for identification was received in evidence.)

THE WITNESS: These fingers are the same individually. I can't put them down the way I can with the others.

Q (By Captain Raff) Now, Doctor Cullen, after the torturing that you have described were you returned to your

cell?

A Quite awhile afterwards, but I don't remember that, because during this time I think that I became more or less unconscious two or three times, fainting. There are periods I don't remember clearly, and I don't remember how I was taken back to the cell.

GENERAL DONOVAN: We will have a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with four members of the Defense Counsel. The Prosecution are present and ready to proceed.

Q (By Captain Raff) Doctor Cullen, did you know a Mr. Walter Savl?

A Yes, sir; very well, indeed; since about 1912 I have known him very well. He and his family had been patients of mine until his family went to Europe.

Q Doctor, was he in the same prison as you, at the same time?

A Yes, sir; he was in the adjoining cell. He was in the Cell No. 1 with Mr. James Redford. I was in No. 2.

CAPTAIN RAFF: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Do you know what Japanese unit it was that held you in custody -- what unit of the Japanese Army?

A What Japanese unit it was, you say?

Q Yes.

A No, sir, I do not.

Q Do you know whether they were part of the troops which landed on Panay?

A I didn't catch that.

Q Do you know whether they were part of the troops which landed on Panay?

A All I know is as far as they knew, they were not Japanese from Iloilo. I didn't recognize any of them as being Japanese from Iloilo that I have known.

Q Do you know whether they were Japanese Military Police or not?

A No, sir, I do not.

Q Are you able to describe the uniform that they were wearing?

A Well, they were ordinary Japanese soldiers' uniforms, like the others. I didn't notice anything especially distinctive in any of them.

Q Did you notice any kind of insignia?

A Any armbands or anything else? No, I don't remember if I did or not. I don't recall now if I did or not.

MAJOR SKEEN: No further questions.

CAPTAIN RAFF: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Doctor, I would like to know how long you were suspended when they held you up by your thumbs.

A Pardon me? I didn't quite catch that.

Q How long were you suspended?

A Well, I wouldn't like to say, because I know it seems

A No, sir, I do not.

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EXAMINATION BY THE COMMISSION

Q (By General Donovan) Doctor, I would like to know how long you were suspended when they held you up by your thumbs.

A Pardon me? I didn't quite catch that.

Q How long were you suspended?

A Well, I wouldn't like to say, because I know it seems

very much longer than it probably was. I was suspended by my thumbs, then by my toes, and then by my ankles. My ankles were very much longer than the others.

Q Give us an estimate how long by your thumbs -- one or fifteen minutes.

A It may have been an hour. By my ankles it might have been twice that long, because I was suspended by my ankles very much longer than the others.

Q How long were you suspended by your toes?

A Well, about the same as my thumbs, if I remember correctly.

Q How much was that, about an hour?

A About an hour, although it seemed very much longer than it was. It was very hard under those conditions to estimate nearly correctly just the length of time.

Q Where were your hands when you were suspended by your toes and ankles? Where were your hands?

A My recollection is that they were behind me, tied.

Q Was your head touching the floor?

A No, sir.

Q How far was your head from the floor?

A About the distance of about a foot; maybe two feet. It was well clear of the floor. In fact, it might have been that far (indicating).

Q (By General Valdes) You said they pulled the nail of your toe. Did they pull both nails on both big toes?

A Only the nail of this big toe on the left foot.

Q Will you kindly show it to the Commission?

A Yes, sir (removing shoe and sock and displaying foot).

This has been filed down not very long ago, so it is not nearly as thick as it gets.

May I come around?

Q Just walk out front, Doctor.

A (Witness leaves witness stand and advances before the Commission.)

GENERAL DONOVAN: That is all right.

GENERAL VALDES: Thank you, Doctor Cullen.

THE WITNESS: Not at all, sir (returning to witness stand.)

Q (By General Valdes) Did you receive any other physical injuries in addition to what you have already described before the Commission?

A Yes, sir. I received here, when I was suspended by my ankles, I received considerable injuries, from here down to here (indicating), and also injuries to my feet, both feet, which has resulted in a very severe neuritis of both feet which has lasted until now, though now it is only half, from here forward (indicating). This neuritis causes me to have considerable pain whenever I try to step this way (indicating) on the front half of my foot, and it is a continuous aching or pain at all times up until now.

And here on this leg I have the signs of where the rope was around here (indicating), and by the way they were hanging me the rope was slipped up and down, this way, and took all the skin and some of the tissue off both sides. This leg is worse than the other one (indicating); this is still under treatment every two days. I left the dressing off this morning in case the Commission wished to see it.

This was the skin where I was burned (indicating). I don't know just how; I don't know whether it was burned with a candle or gasoline, alcohol, or what. It was burned by something which I didn't see. That is still under treatment, ever since that time, the 16th of May, 1942.

GENERAL DONOVAN: Thank you.

THE WITNESS: Do you care to see this?

GENERAL DONOVAN: That is all right.

THE WITNESS: There was a photograph made of this at the same time the other photograph was made.

Q (By General Donovan) You say it was burned by whom?

A By one of the Japanese; I don't know which one.

Q What about the food while you were confined?

A The food?

Q Yes.

A About the first month we were allowed to have our families or friends bring us some food, and after that it was cut off so absolutely no food, medicine, or anything, was allowed in; nothing was allowed in. We were allowed about that much (indicating) polished cooked rice. Some days some water which was from a dirty, filthy well next to the prison.

Q What was your age at the time of these tortures?

A That was about four years ago.

Q About 64?

A Yes, sir, about that. I have no papers to prove my age at all. I left home when I was quite young and have been away most of the time.

Q As a result of these torturings do you consider

yourself more disabled than before?

A In both legs and in both knees the functions of these legs is very much reduced up until now, and also the function of both knees. If I squat down it is only with a great deal of pain and difficulty that I can rise up, and this was not that way before that, because I could do it without any difficulty whatsoever.

The same way with my knees. I have to be very careful in walking, especially in rough places where there are stones, because if I step on one of them it causes very severe pain in the foot, and that is still present; likewise from the lack of Vitamin G in the diet it affected our eyes. A number of us were affected, and I was affected very seriously. In fact, it reduced my vision about 60 percent, affecting the lenses of the eyes because of the absence of Vitamin G. We got none of that at all.

Q (By General Trudeau) Had you any members of your family in Iloilo, Doctor Cullen? Had you any relatives at the time that you were being tortured?

A Well, yes; the only relative I had was my wife.

Q Was she in Iloilo?

A Iloilo, yes, sir.

Q Were you subjected to any mental torture in addition? Was anything done to your wife, or were you told anything would be done to your wife?

A I was not told except by her that they threatened her. They didn't tell me anything about threatening to do anything to her. I only know what she told me.

Q Did they take any action against her?

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413 Indentified on Page 2160

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Exhibit 419 for identification Page 2277

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A They just threatened if she didn't tell the truth and produce ammunition and arms, they threatened to bayonet her.

Q (By General Donovan) To do what?

A They threatened to bayonet her if she didn't tell the truth.

Q (By General Trudeau) To bayonet her?

A Yes, sir.

Q (By General Gard) When were you released from the Provincial Prison?

A On the 16th of June, 1943 -- no, no, no, no -- about the 2nd of January, 1943. I was transferred to St. Paul's Hospital. That is my recollection. It was about the 2nd of January, after the first of the year, or around the first of the year, and I was in the Provincial Prison about nine months, and then I was transferred to St. Paul's Hospital in Iloilo where I was on my back for five months, and on the 16th of June, 1943, I was brought here on a stretcher and transferred to Santa Catalina Hospital, which was the hospital of Santo Tomas Internment Camp. I was brought on a stretcher and transferred there. I was there three months, approximately three months. When I left there I was appointed director of hygiene and sanitation in the camp.

GENERAL GARD: Thank you.

GENERAL DONOVAN: Any further questions?

CAPTAIN RAFF: No, sir.

MAJOR SKEEN: No further questions.

GENERAL DONOVAN: The witness is excused.

Thank ycu.

(Witness excused.)

(A statement was marked Prcsecution Exhibit Nc. 414 fcr identificatien.)

CAPTAIN RAFF: At this time the Prcsecutien cffers intc evidence Exhibit 414 fcr identificatien, being the statement cf Walter Emile Mednurst Savl.

MAJOR SKEEN: Nc further cbjectien.

GENERAL DONOVAN: It is accepted.

(Prcsecutien Exhibit Nc. 414 fcr identificatien was received in evidence.)

CAPTAIN RAFF: That ccncludes the prccf cn Specificatien 19, sir.

CAPTAIN CALYER: If the Ccmmissicn please, I am prepared at this time tc recpen the matter cf the statements in ccnnectien with the Cabanatuan case, if ycu wish tc hear it.

There is in evidence as Prcsecutien's Exhibit 160, in ccnnectien with Camp O'Dcnnell a statement cf Cclcnel William B. Ncrth. At the time that statement was cffered I believe tnat certain parts cf it were then excepted, as nct referring tc the specificatien cn Camp O'Dcnnell. Thcse parts whicn refer tc Cabanatuan ncw beccme pertinent, and I wculd simply request that the Ccmmissicn, in its ccnsideratien cf that exhibit, take fcr such prcbative value as the Ccmmissicn sees fit, thcse parts referring tc Cabanatuan.

GENERAL DONOVAN: That will be dcne.

CAPTAIN CALYER: In additicn tc that, sir, there will

be just one statement that I wish to offer.

(A statement was marked Prosecution Exhibit No. 415 for identification.)

CAPTAIN CALYER: If the Commission please, the statement that I wish to offer has just been marked as Prosecution's Exhibit No. 415 for identification, being the statement of Jack Cole, which is offered in connection with the execution at Camp No. 3. The purpose of this is to show the names of the men who were killed.

LIEUTENANT NATAUPSKY: There is no further objection to Exhibit 415, but I would like to call the Commission's attention to the last paragraph.

GENERAL DONOVAN: Just a minute.

It is accepted.

(Prosecution Exhibit No. 415 for identification was received in evidence.)

CAPTAIN CALYER: I believe, sir, we agreed that the last paragraph was to be deleted.

LIEUTENANT NATAUPSKY: That is right.

GENERAL DONOVAN: We will take the whole thing, if there is something in the last paragraph that you want to call our attention to.

LIEUTENANT NATAUPSKY: It is beyond the time, and counsel for the Prosecution agrees that it be deleted.

GENERAL DONOVAN: Then it has been accepted with the deletion.

LIEUTENANT NATAUPSKY: I would like to call the Commission's attention to the affidavit by William D. North. Both the Prosecution and the Defense could not

agree to the entire affidavit, and on page 5, paragraph 23, it is definitely beyond the time element in the case at issue, whereby the affiant states that the things he is citing in this affidavit was from June 1, 1942, to October 21, 1944, and the incidents that are stated are without specific dates, except that it comes within that time, which is much too broad.

GENERAL DONOVAN: What is the nature of that affidavit.

CAPTAIN CALYER: Sir, this is a long statement covering a number of incidents throughout the Philippines. It is the statement which is entitled "Japanese Atrocities from a Medical Standpoint."

GENERAL DONOVAN: The exhibit will be taken for whatever probative value it may offer and the Commission will take due notice of anything that may be over and above that period alleged in the charge.

LIEUTENANT NATAUPSKY: There is another note on that, and that is that a good deal of the affidavit, which was introduced, does not pertain to Specification 15, and was not agreed upon at the time the affidavit was originally introduced into evidence.

GENERAL DONOVAN: Let's find out what you are objecting to, specifically, and we can start from there.

LIEUTENANT NATAUPSKY: I object to the fact that on page 89 of the affidavit, it has nothing to do with the conditions at Cabanatuan.

CAPTAIN CALYER: I disagree with that, sir. Parts of it specifically refer to Cabanatuan, and other parts may

nct refer tc Cabanatuan, but scme cf that is already in evidence under the specificatien cf Camp O'Dcnnell.

GENERAL DONOVAN: We will take it fcr whatever prc-bative value it may have.

CAPTAIN CALYER: That ccncludes the testimcny with reference tc Cabanatuan.

The next item tc be presented is Specificatien Nc. 35, the executicn cf five Americans cn the Calumpit wcrk detail.

FAUSTO CARLOS

called as a witness cn behalf cf the Prcsecutien, being first duly swcrn, was examined and testified as fcllcws:

DIRECT EXAMINATION

Q (By Captain Calyer) Will ycu state ycur name, please?

A Yes, sir; Faustc Carlcs.

Q Will ycu speak as lcudly as ycu can?

A Yes.

Q Where dc ycu live?

A Calumpit, Bulacan.

Q Where were ycu living in 1942?

A In 1942 I was the Municipal Mayer cf Calumpit, Bulacan.

Q During all cf the year cf 1942 were ycu the Mayer?

A Yes.

Q During the whcle year?

A Yes.

Q Were the Japanese in Calumpit in July cf 1942?

A Yes, sir.

GENERAL DONOVAN: Where is Calumpit? Will ycu point

it out, please?

CAPTAIN CALYER: This is the easiest map to see it on, sir. It is marked there just below San Fernando, on the railroad.

GENERAL DONOVAN: All right.

Q (By Captain Calyer) Were there American prisoners of war in Calumpit in July of 1942?

A Yes, sir.

Q Do you know what those American prisoners were doing at Calumpit?

A Yes, sir.

Q What?

A They were ordered to reconstruct the Calumpit Bridge.

Q Will you describe very briefly the conditions under which they worked?

A They were ordered to do hard work there.

Q Repairing the bridge?

A Yes, sir, repairing the bridge.

Q Very generally, what was the food situation, the housing conditions, and so forth?

CAPTAIN CODER: May it please the Commission, we object to this. It is not within the purview of the specification, which states only that "The brutal execution of five prisoners from the Calumpit Bridge detail," is at issue at this time.

CAPTAIN CALYER: This is offered as background to show the circumstances under which it arose.

GENERAL DONOVAN: Read the question.

(Question read.)

GENERAL DONOVAN: The question may be answered.

Q (By Captain Calyer) Will you answer the question?

A The Americans were prisoners, and they were poorly fed, and the majority of them had no shirts at all, and many of them had no trousers, and many of them were barefooted.

Q Did the Filipinos attempt to help the prisoners?

THE WITNESS: Excuse me.

CAPTAIN CALYER: Will you read the question.

(Question read.)

A Yes, sir. As a matter of fact, I detailed three policemen every day to guard the Japanese so that they would not be able to see the Filipinos giving food, medicine, and many other things, to the American war prisoners.

Q (By Captain Calyer) Did the Japanese allow your people to help the prisoners?

A Yes, sir.

Q Were you able to do it occasionally?

THE WITNESS: What?

CAPTAIN CALYER: Read the question.

(Question read.)

A Well, every day the civilians were helping the American war prisoners with the help of my policemen.

Q (By Captain Calyer) Do you know the name of the Japanese officer who was in charge at the bridge detail?

A Yes; he was Captain Watanabe.

Q Now, do you recall an incident in which five American prisoners were involved?

A Yes, sir.

Q When was that?

A Well, in the month of July, 1942, at about eight or nine o'clock in the evening, some Japanese soldiers went to my house with five or six American war prisoners. The Japanese soldiers told me that one of the American war prisoners escaped, and they wanted me to help them search for the war prisoners.

Q Do you know the name of the prisoner who escaped?

A On that night I didn't know the name of the American war prisoner, but the next day a guerrilla went to my house and reported to me that the American war prisoner was in their possession, and the name of the American war prisoner was Neigum. I think he is called Neigum, or something like that.

Q Now, what did you do after the Japanese came to your house?

A They asked me to go with them, and we went to the towns and searched the American war prisoners.

Q Were you able to find him?

A No, sir.

Q What happened after that?

A Well, in the same night, when I talked with Captain Watanabe, he told me that I should exert all efforts to produce the escaped war prisoner, or else ten war prisoners will be killed.

Q Did he say why that would be done?

A Well, according to him it was a military law.

Q What was a military law?

A The military law was when one war prisoner escaped ten would be killed.

Q What happened after that?

A Well, with the help of his interpreter I asked him not to kill innocent people, because it would be against their propaganda and against the Catholics, because the Filipinos are Catholics.

Q What did you do thereafter?

A The interpreter promised me, and at the time Captain Watanabe was suffering from influenza. The next morning, then, I went there and visited him, and brought there two or three chickens, like that, and some eggs, maybe two dozen eggs, just to convince him for my desire, for my request.

Q What was the result?

A The result was that after two or three days he told me that instead of ten Americans only five would be killed, and, as a matter of fact, five were killed, instead of ten, maybe for the sake of those chickens and some eggs.

Q Do you know the names of any of the prisoners who were killed?

A I simply remember one name. The name of that man was Adams.

Q Did you witness the execution yourself?

A Well, they were not executed in Calumpit, because I requested Captain Watanabe not to execute the five Americans in Calumpit, because it would be against the conscience of the Filipinos in that locality, who were all Christians. They were executed outside of Calumpit.

Q Do you know where?

A Yes, sir; in the Barrio of Capalangan.

Q How far is that from Calumpit?

A Only one kilometer from our place.

Q Did you not see the execution?

A No, sir.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) What date did the American prisoners of war come to Calumpit?

A I do not know the exact date, but it was in the month of May.

Q In the month of May?

A Yes.

Q Was it early in the month of May or late in the month of May?

A I do not remember quite well, but it was in the month of May, 1942.

Q How long did they work on the bridge there in Calumpit?

A They had been working on the bridge until the first week of August.

Q Until the first week of August?

A Yes, as far as I remember.

Q Was the bridge finished then when they left?

A Yes, it was finished.

Q This execution that took place, was it during the rainy season?

A Excuse me.

Q The execution of the five Americans, was that during

the rainy season?

A Well, it was August, and it was the rainy season, but I don't remember quite well if it was raining on that day or not.

Q Was it during the rainy season, or was the rainy season over?

A August is the rainy season.

Q Was it before the rainy season?

A Excuse me?

Q Was it before the rainy season?

A Well, the month of August is the rainy season.

Q Did this occur before the rainy season, or after the rainy season, or during the rainy season?

A During the rainy season, because August is the rainy season.

Q You say it was during the rainy season? This happened in August, did it?

A Excuse me?

Q This execution happened in August?

A No; it occurred in July.

Q What date in July?

A Well, more or less it was on the 16th, maybe.

Q On the 16th, maybe?

A Of course, I am not quite sure of the date.

Q How do you know it was on the 16th, maybe?

A Well, because I was born on July 16th, and I remember that on my birthday the incident occurred.

Q This incident occurred on your birthday?

A My birthday is July 16th.

the rainy season?

A Well, it was August, and it was the rainy season, but I don't remember quite well if it was raining on that day or not.

Q Was it during the rainy season, or was the rainy season over?

A August is the rainy season.

Q Was it before the rainy season?

A Excuse me?

Q Was it before the rainy season?

A Well, the month of August is the rainy season.

Q Did this occur before the rainy season, or after the rainy season, or during the rainy season?

A During the rainy season, because August is the rainy season.

Q You say it was during the rainy season? This happened in August, did it?

A Excuse me?

Q This execution happened in August?

A No; it occurred in July.

Q What date in July?

A Well, more or less it was on the 16th, maybe.

Q On the 16th, maybe?

A Of course, I am not quite sure of the date.

Q How do you know it was on the 16th, maybe?

A Well, because I was born on July 16th, and I remember that on my birthday the incident occurred.

Q This incident occurred on your birthday?

A My birthday is July 16th.

CAPTAIN CODER: No further questions.

CAPTAIN CALYER: I have one more question, sir.

REDIRECT EXAMINATION

Q (By Captain Calyer) Was it the escape that occurred on the 16th?

A Excuse me.

Q Was it the escape that occurred on the 16th?

A No, sir; maybe two or three days before the 16th.

GENERAL DONOVAN: The 16th of what?

CAPTAIN CALYER: July, sir.

Q (By Captain Calyer) It was July that you were talking about?

A Yes.

CAPTAIN CALYER: That is all, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LUCILA LACANILAO

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) State your name.

A Lucila Lacanilao.

GENERAL DONOVAN: Before you start in on this witness, I want to take up this Exhibit 415 that was submitted just now in the Cabanatuan case.

CAPTAIN CALYER: Yes, sir.

GENERAL DONOVAN: If you will look at the first page you will find the following:

"Q. Will you state the names and locations of the camps

at which you were held as a prisoner of war and the date you were confined at each camp?

"A. Camp 1, Cabanatuan, P. I., October 2nd, '42, to March, 1944."

The reason I am going into detail on this is because I want to show you the things that we do not want in the record.

CAPTAIN CALYER: May I explain that, sir?

GENERAL DONOVAN: Well, all I know about these statements is what we read.

On the next page:

"Q. Will you state all the facts and details pertaining to atrocities" --

and so forth.

Then the answer: "About the latter part of May, 1942" --

and then something was added in in ink -- "Camp 3" -- on this copy here.

CAPTAIN CALYER: That is right. That is a copy, sir; we have the original.

GENERAL DONOVAN: Is that in ink?

CAPTAIN CALYER: No, sir.

GENERAL DONOVAN: We don't care for this affidavit. It is rejected.

(Prosecution Exhibit No. 415, formerly received in evidence, was rejected by the Commission.)

CAPTAIN CALYER: All right, sir.

The original is in the handwriting of the man who made the statement.

Q (By Captain Calyer) Will you state your name again, please?

A Lucila Lacanilao.

Q Where do you live?

A I live in Capalangan, Apalit, Pampanga.

Q How near is that Capalangan to Calumpit?

A About one kilometer.

Q Were you living there in July of 1942?

A Yes, sir.

Q Did you see some American prisoners of war in 1942 at that place?

A Yes, sir.

Q Do you recall an incident when some prisoners were executed?

A Yes, sir.

Q Will you tell the Commission what you saw?

A In the month of July a Japanese truck drove by our house. They went to the Capalangan Central School. When they reached the Capalangan Central School the Japanese spread out all over the school grounds.

Q Who was on the truck?

A Japanese soldiers and American prisoners.

Q Do you recall how many Americans?

A About seven Americans.

Q Now, what happened at the school grounds?

A Up there the Japanese went to the school grounds and three American prisoners dug some graves. After they dug some graves five Americans were lined up, and they were lined up and about 20 Japanese made a firing squad, and after

that they fired on them.

Q What happened to the Americans?

A After they fired on them three of them died and two of them is still alive.

Q What happened to those remaining two?

A One was dragged to the grave and the other was vomiting, and he was dragged to the grave also and was finished off with a pistol.

Q What happened after that?

A After that the Japanese covered them.

Q And then what?

A The next morning the American prisoners take a cross there.

Q Do you know the names of the men who were shot?

A I still remember the names of four.

Q Who were they?

A Henry Adams, Uno Gustafson, Rogers, and Emiley. The other one I cannot remember the name.

Q How do you know those names?

A Because they were written at the cross.

Q Do you know whether there were any Japanese officers present at the time of the shooting?

A Captain Watanabe was there.

CAPTAIN CALYER: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) About what date did this occur?

A About July, 1942.

Q What day in July?

A At about July 21st, but I don't know the exact date.

Q About July 21st?

A Yes, but I don't know the exact date.

Q Do you remember when the American prisoners of war first came to Calumpit?

THE WITNESS: What?

CAPTAIN CODER: Will you read the question?

(Question read.)

A From May 15th to June 31st.

Q (By Captain Coder) From May 15th to June 31st?

A Yes, sir.

Q Do you mean they left on June 31st, or more came on June 31st?

A They came to our barrio May 15th to June 31st, and others are working at Calumpit, but they live in our barrio.

Q Do you remember when they left Calumpit?

A I don't think so; I don't remember that.

Q How do you remember that this incident occurred in July?

A It was that, sir -- I cannot understand --

CAPTAIN CODER: Read the question.

(Question read.)

A (Continuing) Because they stayed at our barrio.

Q (By Captain Coder) Who stayed at your barrio?

A The Japanese and the American prisoners.

Q The prisoners that were executed stayed at your barrio?

THE WITNESS: What?

(Question read.)

A Yes.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Anything else?

CAPTAIN CODER: That is all, sir.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

BIENVENIDO CRUZ

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows through Interpreter Rodas:

DIRECT EXAMINATION

Q (By Captain Calyer) What is your name?

A (Through Interpreter Rodas) Bienvenido Cruz?

Q Where do you live?

A Capalangan, Apalit, Pampanga.

Q How far is that from Calumpit?

A About one kilometer.

Q Were you living in Capalangan in July of 1942?

A Yes, sir.

Q Did you see American prisoners of war there?

A Yes, sir.

Q When was that?

A In May of 1942.

Q Were there American prisoners of war at Calumpit in July of 1942?

A Yes, sir, there were.

Q What were they doing?

A They were working.

Q Doing what?

A On the bridge detail.

Q Do you recall an occasion when some American prisoners were shot?

A Yes, sir.

Q Did you see that yourself?

A Yes, sir, I saw them myself.

Q Will you explain what you saw?

A Yes, sir. One afternoon in July a truck passed by and stopped at the Capalangan Central School.

Q Do you remember when in July?

A In my estimation it happened on July 21, 1942.

Q What did you see?

A I saw that the Americans were ordered to line from the truck and were told to go towards the school.

Q Who told them that?

A The Japanese.

Q What happened next?

A They were ordered to walk towards the school. One of them was blindfolded and he could not walk, so he was helped by some of his companions to walk.

Q How many American prisoners were there?

A Seven.

Q How many Japanese?

A About twenty Japanese.

Q Do you know whether there was a Japanese officer there?

A I do not remember. There was, but I don't know his name.

Q What was done after the Americans got out of the truck?

A They were brought to the school garden, and three of the Americans were ordered to dig a grave.

Q Then what happened?

A After they have dug the grave the five Americans were asked to line up. Two of them had their faces towards the Japanese and three had their backs towards them.

Q Then what happened.

A After these Americans were lined up in a firing line the Japanese in turn formed themselves in a firing squad and they shot the Americans.

Q What happened to the Americans?

A Three of them died right away, one was still alive, one was beaten by the butt of the rifle, the other one was fired at while in the grave.

Q What happened to them after that?

A Their bodies were covered by earth by the Japanese.

Q Where were you when you saw all of this?

A I was behind a haystack.

Q How far from the school grounds?

A About a hundred meters.

CAPTAIN CALYER: You may examine.

CROSS EXAMINATION

Q (By Captain Coder) Do you remember when the American prisoners of war first came to Calumpit?

A Before they arrived in Calumpit they first went to Cabanatuan.

Q Do you remember what date they arrived in Calumpit?

A July 1st.

Q How long after they arrived did this shooting occur?

A 20 days after.

Q How do you know it was 20 days? Did you count the days?

A Yes, sir.

Q What prompted you to start counting on July 1st and go up to the date the executions took place?

A We have a calendar where I check the dates.

Q Did you note on the calendar the day of the execution?

A Yes, sir.

Q Did you write on the day of the 20th that five Americans had been executed that day?

A Yes, sir.

CAPTAIN CODER: No further questions.

CAPTAIN CALYER: That is all, sir.

GENERAL DONOVAN: Commission?

(No response.)

Witness is excused.

(Witness excused.)

CAPTAIN CALYER: If the Commission please, that completes the testimony on this specification.

COLONEL MEEK: If the Commission please, the next specification is Specification 4, which involves rape atrocities. We have six witnesses and anticipate it will take one hour and a half. At this time we would like to ask that it be a closed session.

GENERAL DONOVAN: At the end of approximately 15 minutes recess we will take up this next specification, which for obvious reasons will be closed to the press, the public and the photographers. We will complete this case prior to lunch.

We will have a 15 minute recess.

(Whereupon, at 1030 hours the Commission recessed to reconvene in closed session.)

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CLOSED SESSION

VOLUME XVII

A F T E R N O O N S E S S I O N

(The trial was resumed, pursuant to recess, at 1400 hours, 19 January 1946.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused, with three members of Defense Counsel, is present, and the Prosecution are present and we are ready to proceed.

Sir, at this time we would like to swear in another interpreter.

(Whereupon Lieutenant Sho Onodera was sworn in as an Interpreter for the Commission.)

TOSHIMITSU TAKATSU

called as a witness on behalf of the Prosecution, being first duly sworn was examined and testified as follows through Interpreter Sho Onodera and check Interpreters Yajima and Baba.)

DIRECT EXAMINATION

LIEUTENANT SCHWARTZ: Sir, at this time the Prosecution will take up the proof as to Specification No. 27, the additional Charge and the Specification to the additional Charge.

Q (By Lieutenant Schwartz) Will you state your name, please?

A (Through Lieutenant Onodera) Toshimitsu Takatsu.

Q Your rank?

A Major General.

Q On the 6th of May, 1942, were you a member of the Staff of General Homma?

A Yes, I was a member of his staff.

Q On that date did you learn that the white flag had been hoisted on Corregidor?

A Yes, I heard.

Q Where did you hear this?

A I heard it at the headquarters at Lamao.

Q At what time did you hear this?

A Around noon.

Q And from whom did you hear it?

A I don't recall who I heard it from.

Q Did you learn at any time after about noon on May 6th, 1942, that that white flag had been lowered on Corregidor?

A No, I did not hear about it.

LIEUTENANT SCHWARTZ: Take the witness.

GENERAL DONOVAN: I would like to ask about Specification No. 27.

LIEUTENANT SCHWARTZ: Yes, Sir.

GENERAL DONOVAN: The white flag had been raised on the top of Manila Hill, is what it says here.

LIEUTENANT SCHWARTZ: That should be "Malinta Hill."

In view of this, I make a motion to amend it to "Malinta" instead of "Manila" Hill.

GENERAL DONOVAN: Does the Defense have anything?

CAPTAIN CODER: No, Sir.

GENERAL DONOVAN: The change will be made from "Manila Hill" to Malinta Hill" in Specification No. 27.

CAPTAIN CODER: No cross examination.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) Do you know when Japanese troops took command on Corregidor?

A I think it was on the 7th of May.

Q (By General Donovan) What year?

A 1942.

Q What was your job on the staff of General Homma?

A Rear line supply work.

Q Is that the Second Department?

A Yes.

GENERAL DONOVAN: Anything further?

LIEUTENANT SCHWARTZ: No, Sir.

CAPTAIN CODER: Nothing further.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

RUDOLFO B. PARRA

called as a witness on behalf of the Prosecution being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Schwartz) Will you state your name, grade and organization?

A Staff Sergeant Rudolfo B. Parra, 18017487.

Q What is your organization?

A I have no organization at the present time; unassigned.

Q On the 6th of May, 1942, where were you approximately on the morning of that day?

A I was at Hospital No. 2 on Bataan.

Q You have previously testified in this case; is that correct?

A Yes, sir.

Q I believe you testified that you observed Japanese artillery pieces near that hospital; is that correct?

A That is right.

Q Now, on the 6th of May, do you recall that those artillery pieces were fired by the Japanese?

A Yes, sir.

Q In what directions were they fired?

A At Corregidor.

Q Did you see these guns fired by the Japanese?

A I seen one battery fire at them that I actually seen. There was more firing.

Q At what time on the 6th of May, 1942, did you see these guns fired toward Corregidor?

A At 1 o'clock.

Q In the afternoon?

A Yes, in the afternoon.

Q Now, from that point on -- from that time on, did you observe that these guns were fired at Corregidor?

A Yes, they continued for about two hours or more.

Q And then what happened with reference to the firing?

A We watched them for about two hours or more and then there was a lull and about 6 o'clock in the afternoon it started up again. We went up on the hillside again to watch them and we could see where the shells were hitting out on Corregidor; you could see the dust. It was a pretty heavy concentration.

Q How long did that continue?

A That continued way up until around 1 o'clock or 12 o'clock at night.

Q Was there any firing on Corregidor the morning of the 7th of May?

A About 6 or 7 o'clock in the morning the guns started to go off again. So, me and some other fellows went up on top of it to watch and we could see that this battery was beside the hospital there which we could see fire and was hitting on Corregidor also that morning. I don't recall how long it lasted. We got off the hill while they were still firing.

Q How long were you on the hill?

A About 15 or 20 minutes.

Q You stated you saw one battery actually in action but others were firing?

A That is right.

Q Can you estimate and, if you cannot,say so, approximately the number of guns that were firing at Corregidor within your range of vision?

A I should say there was 7 or 8 different spots where they were firing from, anyway.

Q Can you give us an estimate, and if you cannot, say so, as to the caliber of these guns that were firing on Corregidor?

A Well, the battery that I actually saw there beside the hospital must have been a 155 or a bigger gun than that.

LIEUTENANT SCHWARTZ: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) You say you went up on top of the hill to observe fire?

A That is right.

Q And you saw it land on Corregidor?

A That is right.

Q What part of the island did the fire land on?

A Well, it was landing nearest to Bataan, the farthest end of Corregidor, nearest to Bataan, where the big rise is.

Q Now, did these shells land in one concentration or were they spasmodic over the island? Did they land more or less in one area?

A They were landing more or less in that particular spot.

Q On the tip of Corregidor?

A You might say at the tip, but it was over quite a big space.

GENERAL DONOVAN: Let's get a map.

Q (By Captain Coder) Can you indicate on this map about where the shells were falling and about how much area they covered?

A I would say they were right around in this place, right in here (indicating).

LIEUTENANT SCHWARTZ: May the record indicate, Sir, that the witness is pointing to a spot in the middle area --

THE WITNESS: Of course, it was all over this part, but it seemed like the biggest area was right in here (indicating).

LIEUTENANT SCHWARTZ: It is the central area of the western portion of the island.

GENERAL DONOVAN: All right.

Q (By Captain Coder) Did the bullets fall continuously in this area which you have indicated, or were there other times when they fell on other parts of the island?

A What was that again?

Q Did the artillery bursts -- that is, the explosions of the shells fall continuously on this portion that you have indicated, or were there times when they fell on other parts of the island?

A Well, that is the portion I seen there myself.

Q You did not see anything falling down at this end?

A No, I didn't notice.

Q When did the guns cease firing completely, to your knowledge?

A About maybe 2:30 or 3 o'clock.

Q On what date?

A On the 6th, the afternoon.

Q On the 6th?

A Yes.

Q Well, now, I am talking about the 7th. You observed the firing on the 7th?

A The morning of the 7th; yes, I observed it for 15 or 20 minutes.

Q There may be a misunderstanding here. The area that I had you point out, I understood is what you observed on the morning of the 7th.

A No; on the afternoon of the 6th, that's where they were firing. On the morning of the 7th, they were bursting around the same area.

Q Around the same area?

A Yes.

Q At what time did the firing cease on the morning of the 7th?

A I didn't notice. I went down to the hospital and they kept firing, and I don't know when they quit, but it lasted about 15 or 20 minutes.

Q When did they begin?

A I don't know exactly, but it was 6 or 7 o'clock.

Q 6 or 7 o'clock in the morning?

A Yes, sir.

CAPTAIN CODER: That is all.

REDIRECT EXAMINATION

Q (By Lieutenant Schwartz) Have you ever been on Corregidor, Sergeant?

A No, never have.

GENERAL DONOVAN: Anything else by the Defense?

CAPTAIN CODER: No, Sir.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Did you see a white flag on Corregidor from where you were?

A Yes, that afternoon of the 6th, when we were on the hill, we wondered why they kept firing because we thought we were pretty definite that it was a white flag. From where we stood it looked exactly like a white flag.

Q I want to get this straight on the firing. On the 6th between 1:00 P.M. and 3:00 P.M. there was firing; is that correct?

A Yes, Sir.

Q Large concentrations and lots of batteries?

A Yes, Sir.

Q Then they stopped and about 6 or 7 o'clock that evening they started again and fired to about 1:00 A.M. the next morning?

A Yes.

Q Then they started to fire a little more and quit about 6 o'clock on the morning of the 7th?

A Yes.

Q Is that correct.

A They started that morning, the morning of the 7th again, and we watched it for about 15 or 20 minutes.

Q Now, was the fire, in your opinion, heavier, the Japanese fire heavier on the 6th than it had been previously, the 5th, or the 3rd, or the 4th? Did it appear that way to you?

A No, about the same, because it was pretty heavy during the 5th and 4th and the 3rd. Well, it was about the same.

Q When did they cease firing altogether? You must have known approximately when because you can't listen to that all the time without knowing there has been a definite stop.

A We were so used to it, sir, when they fired; when they quit, they quit, and, as a matter of fact, you didn't pay any attention to it.

Q When did you realize that the firing was all over for good?

A I would say about 10 o'clock in the morning.

Q Of what date?

A Of the 7th.

Q Of what year, what month?

A 1942, in May.

Q Were you receiving any fire from Corregidor on the 6th?

A No, Sir.

Q On the 7th?

A No, Sir.

Q When was the last time you remember receiving any fire from Corregidor?

A I think it was the 5th, sometime during the 5th that I think we got the last shelling from Corregidor.

Q (By General Gard) Sergeant, when you were up on the hill, did you have any field glasses?

A No, Sir. To see a shell bursting or a bomb or a flag of any size at that particular place, you don't quite need field glasses to tell, more or less, what it is from the point where we were at.

Q You said you saw, or thought you saw, a white flag. Whereabouts on the island was that flag flying?

A It looked to me like it was, oh, I can't recall exactly where it was, but it was on one of the highest spots on the island there. I think it must have been about in here (indicating).

Q (By General Donovan) Where is that?

A Right in here (indicating).

Q Is there any name there?

LIEUTENANT SCHWARTZ: I believe that part of the rock is called Topside, but I am not sure, Sir.

THE WITNESS: I think that is what they called it at the time, Topside.

Q (By General Donovan) That is about the same place where the firing was?

A Some boys at New Corregidor told me that it was the parade ground or Topside. I have never been on the rock myself.

Q (By General Gard) That is where the flag was flying from?

A Yes.

Q About where the shots were landed, in other words?

A Yes.

Q You testified that there were about 7 or 8 batteries firing?

A Yes, that is what I judge there were.

Q On the 6th?

A Yes, Sir.

Q Were they firing one battery at a time?

A Maybe they would all be shooting at once.

Q They were all firing more or less together, that is what I mean?

A Yes.

Q (By General Donovan) Could you have seen the American flag if it had been flying over there before?

A I never did notice, Sir.

Q (By General Gard) Was the hill that you were on, was that hill between Hospital No. 2 and Corregidor, or was it the hill behind the hospital?

A Behind the hospital, the hill behind the hospital.

Q Can you make an estimate as to how far it was from where you were to the island of Corregidor.

A Maybe four or five miles; about four miles.

GENERAL DONOVAN: Anything further?

CAPTAIN CODER: Yes.

RECROSS EXAMINATION

Q (By Captain Coder) You say it was four or five miles from where you were to the island of Corregidor?

A That is what I estimate.

Q What size white flag did you see on Corregidor?

A I couldn't possibly say how big, what the size is, but it is a flag big enough where you could see it that far. It might have been a sheet.

Q What did it look like? How big did it look to you from five miles away?

A It looked like what I considered to be a good-sized flag.

Q What is a good-sized flag?

A Maybe about the size of a sheet; it could have been a sheet they raised.

Q You had no field glasses at that time?

A No.

Q Show me again on the map where you indicated where the white flag was raised.

A I can't show you exactly on a map.

Q Show me, then, where you showed the Commission.

A More or less near here, in this area. That is where I would judge (indicating).

Q The white flag was anywhere from here to here (indicating); is that correct?

A (Indicating) Somewheres in here.

GENERAL DONOVAN: We understood it was flying in the place where the bulk of those shells were landing.

A Yes, about where the shelling was going on.

Q (By Captain Coder) You pointed to the whole map; suppose you indicate again where the shelling was.

A Right in here (indicating).

Q That entire area?

A Yes.

Q Have you ever observed any artillery fire, Sergeant, as a soldier?

A A little; I have been under it a little, too.

Q I was speaking, not observing it from the receiving end, but from the sending end?

A Yes, one or two shells.

Q From the sending end?

A Yes.

Q Had you ever conducted fire yourself?

A No.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Anything further?

The witness is excused.

(Witness excused)

THOMAS H. BOGIE

recalled as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Schwartz) Will you state your name, please?

A Thomas H. Bogie.

Q And your grade?

A Staff Sergeant.

Q You have previously testified in this case; is that correct?

A Yes, sir.

Q And you have testified, I believe, that you were captured at Corregidor; is that correct?

A Yes, sir.

Q Sergeant Bogie, can you tell us anything about the firing by the Japanese on Corregidor on the 6th of May, 1942?

A I was in Malinta Tunnel around noon between 12:30 and 1:30 and the Japanese were shelling Corregidor from Bataan. They shelled for, I imagine, a period of two hours.

Q Prior to that time had you heard or did you know that a white flag was hoisted on Corregidor?

A Yes, sir, I seen the white flag leave Malinta Tunnel about 11 o'clock in the morning.

Q When did you learn that the flag was to be hoisted?

A We understood it was to be raised at 12 o'clock noon.

Q And from whom did you learn this?

A From men that were attached to the USAFFE headquarters, whose headquarters were in the tunnel at the time.

Q You say you were in Malinta Tunnel. Did you hear or feel the concussion of shell fire as it hit Corregidor?

A Yes, sir, you can.

Q How long did that bombardment take place that you say began about 12:30 or 1:30?

A About two hours, I would judge.

Q Was that fire heavy and concentrated, or was it light and sporadic?

A I imagine there were about six batteries firing and they seemed to spray the Middleside and Topside of Corregidor.

Q Now, after the firing ceased, you say about two hours later, then did they commence fire again?

A They bombed it with two horizontal bombers and three dive bombers bombed the Topside barracks.

Q About what time?

A About 4 o'clock that afternoon, I should say.

Q Did they ever fire any shell fire after that initial bombardment?

A Yes, sir, about 6:30 in the evening they started firing again, much heavier than they had in the morning.

Q How long did that continue?

A That continued on up to about 12 o'clock in the evening, sir.

Q Was that the last bombardment that Corregidor received before the surrender?

A That is the last one that I remember, yes, sir.

Q Do you recall that there was any firing at all on the morning of the 7th?

A No, sir, I can't recall.

Q Do you know, of your own knowledge, whether any men were killed or wounded on the 6th of May, 1942?

A Of deaths I don't know, but I do know there were men wounded and they were brought back into the hospital, which was also in Malinta Tunnel.

Q Did you see these men brought in?

A Yes, sir, I saw them brought in.

Q Do you know the officer who raised the white flag on Corregidor on the 6th of May?

A His name was told to me, but I don't remember. He was a Major and he was the aide to General Moore.

Q What instructions did you receive concerning the disposition of arms on Corregidor on the 6th of May?

A In the morning, about 7 o'clock, we were told to lay down our arms and not to destroy them, just to lay them down, that they had stopped fighting, but they were going to negotiate for the surrender of Corregidor.

Q About what time did you say you received those instructions?

A About 7 o'clock in the morning, between 7:00 and 8:00.

Q What did you do and what was done thereafter concerning the arms and weapons on Corregidor?

A Well, we just carried out the orders that were given to us. We just stopped fighting and stayed at our gun position until around 11 o'clock and we were taken into the Malinta Tunnel.

Q What weapons did you have?

A Well, we started with two 50 caliber machine guns, anti-aircraft, and they were destroyed, and then we took up rifles.

Q Where were the arms stored, or were they stacked, or did you keep them with you?

A No, sir, when we left our positions, they were left right there at the position.

Q And where did the men go after they left their positions?

A All the men that were on this side of the Malinta Tunnel, that is the east side, went back into the tunnel.

Q About how many men were there when you got there?

A I imagine there was about 700 men out there and when we got into Malinta Tunnel, I imagine there was a thousand in there already.

Q Was there a shot fired from Corregidor toward the Japanese positions after noon on 6 May 1942?

A No, there wasn't.

LIEUTENANT SCHWARTZ: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) When did you see the first member of the Japanese armed forces?

A On the morning of the 6th.

Q Of the 6th?

A The morning of the 6th, around noon, I guess; around noontime, sir. There was a delegation of Japanese in the tunnel while the shelling was going on.

Q A delegation?

A Some troops came in there with some officers.

Q When did the occupation of the island by the Japanese become widespread?

A Well, I don't believe there ever were a great number of Japanese on Corregidor. I saw about 200 troops; 200 soldiers.

CAPTAIN CODER: No further questions;

LIFUTENANT SCHWARTZ: I have another question.

REDIRECT EXAMINATION

Q (By Lieutenant Schwartz) Do you remember when it was that you saw these wounded men brought into the tunnel, about what time that was?

A It must have been between 4 or 5 o'clock in the afternoon.

Q Of the 6th or the 7th?

A The 6th.

LIEUTENANT SCHWARTZ: That is all.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) You said you received bombings at about 4:00 P.M.

A The bombing of the Topside barracks on the day of the 6th.

Q Low or high level?

A Two horizonal bombers, I judge to be about 15,000 feet, and then there were dive bombers.

Q Did you hear anything on the radio or was anything announced over the radio about anything that was going to happen on the 6th or 7th, or anything in connection with the white flag?

A No, Sir, there was no radio there at the time, but word had been passed around that the flag would be put up, verbally passed around that the flag would be put up at noon.

Q Tell me some more about these Japanese in the tunnel.

A Well, there was a group of officers, I imagine that

there were ten or fifteen officers, with about 150 troops that came through there. They were equipped for field duty; they had their packs on, their arms, and the officers were inspecting the different laterals. These laterals contained various things, ordnance and ammunition and hospital equipment and things like that.

Q Was the war still on?

A No, the war was ended then.

Q Who said so?

A Our officer had told us the morning of the 6th at 7 o'clock that we would stop fighting.

Q (By General McNaught) Did that Japanese party that came into Malinta Tunnel come in under a white flag, or did they just march in without any resistance?

A The only flag they had was a small white flag with a red circle in it.

CAPTAIN CODER: I would like to ask another question.

GENERAL DONOVAN: All right.

RECROSS EXAMINATION

Q (By Captain Coder) On what day was this?

A The day of the 6th.

Q At what time of the day?

A That the Japanese came in?

Q That is right.

A It was around noon sometime; I can't be certain of the time, but it was around noon.

CAPTAIN CODER: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) I presume we are talking about the 6th of May, 1942?

A Yes, Sir.

Q What size flag was this white flag? Did you ever see it?

A Yes, it was folded up when I went out. I didn't see the size of it.

Q What size did it look like to you approximately?

A It looked to be the size of a Post flag, which is the second largest flag we have.

GENERAL DONOVAN: Anything further?

CAPTAIN CODER: Yes.

FURTHER RECROSS EXAMINATION

Q (By Captain Coder) Do you know where the Japanese went after they were finished in the tunnel, what happened to them?

A Well, they just scattered out and started going through things and seeing what they could get. The troops, they went through the laterals and they were carrying out chow.

Q I didn't get that.

A The troops, the enlisted men, went into the laterals that had canned food and they commenced carrying it off and eating it right there because they were probably as hungry as we were.

GENERAL DONOVAN: What was the rank of this officer?

THE WITNESS: At that time I was not familiar with any of the ranks of the Japanese officers.

GENERAL DONOVAN: Are you familiar enough with it now so that you can say now what he might have been at that time?

THE WITNESS: Yes, but at that time I did not take notice of the insignia he was wearing.

EXAMINATION BY THE COMMISSION

Q (By General Gard) Do you remember when the Japanese made their landing up there near Infantry Point?

A We were first put on the alert about 9 o'clock the night of the 5th, but I believe it was 11 o'clock before they got on the island.

Q The night of the 5th?

A Yes, sir.

GENERAL DONOVAN: Any further questions by anyone?

The witness is excused.

(Witness excused)

EARL W. SOUTHWELL

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Schwartz) Will you state your name?

A Earl W. Southwell.

Q Are you a member of the Army at this time?

A Yes, sir.

Q What is your grade and organization?

A I am a buck sergeant and am now in the 249th General Hospital.

Q On the 6th of May, 1942, were you on Corregidor?

A Yes, sir.

Q Where were you stationed at that time?

A On May 6th, I was in a hospital at Corregidor.

Q When had you arrived at the hospital?

A I arrived at the hospital on April 25th.

Q You were wounded?

A Yes, sir.

Q Now, from the hospital on Corregidor, where you were, could you hear or feel shell fire or the concussion of bombs?

A Yes, sir.

Q Did you learn on the 6th of May that the white flag was to be hoisted?

A Yes, sir.

Q When did you hear that? Approximately what time?

A I should say around 7 or 8 o'clock in the morning, sir.

Q Were you a bed patient at the time?

A No, sir.

Q What was wrong with you?

A I had a broken leg.

Q In a cast?

A Yes, sir.

Q Did you go outside at all?

A Well, not outside of the main tunnel. We were allowed to go outside of the main ward into the main part of the tunnel.

Q From where you were, could you see the white flag?

A No, sir.

Q Flying from the mast?

A No, sir.

Q Now, tell us when on the 6th of May, 1942, Corregidor received shell fire from Bataan; approximately what time?

A Well, the first time on May 6th was around 12:30 or 1 o'clock in the afternoon, I should say.

Q For how long duration?

A I should say for an hour or so.

Q Was the fire light or was it concentrated and heavy?

A It appeared to be heavy; I would say five or six batteries.

Q Was that the only shell fire that took place on Corregidor that day?

A No, sir, I don't know whether it was shell fire or bombing. It began in the evening, I should say, around 5 or 6 o'clock in the evening and it seemed more concentrated at that time.

Q How long did it last?

A About three or four hours, I should say.

Q Was that the last time that Corregidor was shelled?

A No, sir, on the early morning of the 7th, I would say about 4 or 5, maybe 5 or 6 o'clock, it was either shelled or bombed.

Q Was it light or heavy?

A This one didn't seem to last very long but, during the time, it seemed rather concentrated.

Q Of your own knowledge, do you know whether any men were wounded or killed as a result of this shell fire on the 6th or 7th of May?

A I know that men were wounded.

Q How do you know that?

A They were brought in my ward in the hospital.

Q Did you see these men?

A Yes, sir, I had one particular friend burned on the 6th.

Q What happened to him?

A He was hit through here. (Indicating)

LIEUTENANT SCHWARTZ: May the record show the witness indicated the right side of the hip.

Q (By Lieutenant Schwartz) Were any friends of yours hurt or killed?

A Yes, sir, a man by the name of Sanfeld -- that was the man's name.

Q What happened to him?

A He was hit somewhere in the vicinity with shrapnel, I can't say why. He later died as a result of that.

Q Do you know approximately and, if you don't, say so, how many men or how many casualties there were on the 6th or 7th of May as a result of that bombing?

GENERAL DONOVAN: You might establish his position to answer such a question as that.

LIEUTENANT SCHWARTZ: He was in the hospital; that is the only way we can know how many he saw come in.

GENERAL DONOVAN: As a result of bombing, you asked the question, how many casualties there were on the 6th or 7th of May. How many hospitals did we have over there?

Q (By Lieutenant Schwartz) Sergeant, how many patients do you know who were brought into the hospital where you were?

A I can't give a definite figure.

Q Approximately?

A Personally, I saw 20 or 30.

LIEUTENANT SCHWARTZ: You may examine.

CAPTAIN CODER: Nothing, Sir.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Did you see any Japanese on Corregidor on the 6th of May, 1942?

A No, Sir.

Q Did you see the first Japanese?

A I was confined in the hospital, Sir, I didn't see any for about a week, or maybe more than a week, maybe nine or ten days.

Q What did they tell you was going to happen on the 6th; what information did you receive?

A Well, Sir, I was in the hospital. I heard General Beebe broadcast to Manila stating that we were going to surrender.

Q That is what I have been trying to find out. Who broadcast?

A General Beebe.

Q What did he say?

A Well, I can't give you the exact words.

Q Just what you remember.

A The main contents of the thing was: "General Beebe calling Manila." And it went on to say,"We are prepared to surrender and we are sending a barge from the north line dock." I don't remember exactly the time it was supposed to leave, but "request that you have a party to meet us somewhere in Bataan." Where that place was, I don't know.

Q What else did it say?

A It said, "There will be a white flag on Malinta Hill at noon today." I retract, I don't know whether he said "noon today," that was the general consensus of opinion. That is what we were told, the formal surrender would take place around noon.

Q Anything else?

A I don't recall anything else.

Q Who was the message directed toward?

A This was directed to the Commander in Chief of the Imperial Forces on Luzon. He was calling General Homma.

Q You heard this?

A Yes, sir.

Q Did you have a radio of your own?

A There was a radio in the ward.

Q How many times did this go on, do you know?

A They broadcast, I should say, for two or three hours, maybe only two hours, but a good length of time.

Q Repeated quite a lot?

A Yes, repeated quite a lot.

CROSS EXAMINATION

Q (By Captain Coder) Did you go to Malinta Tunnel the 6th of May?

A I was in Malinta Tunnel on the 6th of May.

Q You saw no Japanese there at all?

A No, sir.

Q That radio broadcast you heard, what time of day did you hear this?

A It was along in the morning, I should say 8 o'clock.

CAPTAIN CODER: That is all.

LIEUTENANT SCHWARTZ: Nothing further.

GENERAL DONOVAN: (To the witness) Did you ever hear any broadcast from Manila indicating that they had heard this?

A No, Sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused)

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present, the Accused and four members of Defense Counsel are present; the Prosecution are present and we are ready to proceed.

GENERAL DONOVAN: You may proceed.

FRED A. ANHORN

called as a witness on behalf of the Prosecution, being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Schwartz) Will you state your name and address, please?

A Fred A. Anhorn, 1113 Zaroma Street, Pasay, Rizal.

Q What is your business or occupation?

A Employee of the government.

Q In May of 1942 what was your business or occupation?

A Pier Foreman.

GENERAL DONOVAN: Will you read that back.

(Whereupon the question and answer were read by the Reporter.)

GENERAL DONOVAN: I would like for you to speak up so they can hear you upstairs in the balcony.

Q (By Lieutenant Schwartz) What is your nationality?

A German.

Q On May 6th, 1942, where were you working?

A Corregidor.

Q Do you know of any -- strike that. On the morning of 6 May 1942, had you heard on Corregidor that the American forces were going to surrender?

A Yes, sir.

Q When did you hear that?

A About 10:30 in the morning.

Q And from whom?

A From gossip among the troops.

Q Were you told or do you know anything about the hoisting of the white flag on Corregidor?

A No, sir, all I seen was a white flag leaving the tunnel.

Q You saw the white flag leaving the tunnel?

A Officers and soldiers left the tunnel with it.

Q About what time was that?

A Between 11:00 and 12:00.

Q How did you know the officers or soldiers were carrying a white flag?

A I seen the flag.

Q After 12:00 noon on 6 May 1942, was there any shell fire or bombardment?

A I did not hear anything on Corregidor.

Q Did you hear -- strike that. Where were you at that afternoon?

A In the tunnel.

Q In the tunnel could you hear or feel the concussion of any shell fire or bombardment on Corregidor?

A No, sir.

Q Did you notice that any Japanese were directing any shell fire?

A In the evening, sir, after we were moved out of the tunnel.

Q At what time?

A About 6 o'clock.

Q Now, what did you see?

A I seen some Japanese officers on Skipper Hill flashing lights toward Bataan. After they flashed lights a few seconds later shots would come over and keep on shooting and they kept flashing and more shots would come.

Q Was that gunning light or heavy that Corregidor was receiving?

A Heavy.

Q Was there any aerial bombardment of Corregidor?

A Yes, sir.

Q By airplanes?

A Yes, sir.

Q When was that?

A A little before the shooting.

Q What did you see?

A Bombing of Topside.

Q What did you see, airplanes?

A Yes, sir.

Q About how many?

A 7 or 8.

Q Were they high level bombers, different size bombers, fighters, or what?

A They were flying pretty low over Topside.

Q Could you tell whether they were dive bombers or were they flying level.

A Flying level.

Q Was there any other artillery fire or aerial fire of Corregidor after that?

A Not that I know of.

Q After the evening of May 6th?

A Not that I know of.

Q Do you know whether there was any on the morning of the 7th?

A No, sir.

Q Where were you during the time of the shell fire or aerial bombardment?

A On the road between Malinta Tunnel and Navy Tunnel.

Q Were you under cover?

A No, sir; laying out in the road.

Q Did you take cover at all?

A During the time that the island was under shell fire, no, sir.

Q Were you stationed anywhere near the diesel engines?

A Yes, sir, in the afternoon I was right by the diesel engines.

Q What were you doing?

A The only place I could find to stand.

Q You weren't working there?

A No, sir.

Q You were just taking cover there?

A Yes, sir.

Q Were these engines operating?

A They were operating.

Q Of your own knowledge, were there any casualties, that is, men wounded or killed on the 6th of May?

A No, sir.

Q You don't know?

A No, sir.

Q Were you anywhere near the hospital?

A No, sir.

LIEUTENANT SCHWARTZ: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) What time of day did the aerial bombing take place -- the airplanes?

A Between the 5th and 7th.

Q In the evening?

A Yes, sir.

Q Now, on the 7th of May, around 7 o'clock in the morning, where were you at that time?

A On the road -- still at the same place.

Q Did you see any shells fired at all?

A No, sir.

CAPTAIN CODER: I have no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Did you see any Japanese in the tunnel on the 6th of May?

A Yes, sir.

Q How many?

A Well, an officer came in there with soldiers, some soldiers, machines and stuff like that and lined us up and searched us. They didn't search all of us, but they took money and watches away from some of us and made us sit down until after 3 o'clock and marched us out.

Q What officer -- what was his rank?

A I don't know.

Q How many Japanese were in there?

A About a squad.

Q About this light flashing, how do you know those Japanese were flashing lights?

A We could see them. We were within 40 or 50 yards.

Q How did you recognize them?

A Uniforms.

Q How many were there?

A About 6 or 7.

Q What kind of light did they have?

A Flashlights -- something like a flashlight.

Q What kind of beam did it have; red, green, yellow or white?

A Regular beam.

Q Just white?

A Yes, white.

Q Were you about 40 yards from these people?

A Yes, sir.

REDIRECT EXAMINATION

Q (By Lieutenant Schwartz) Could you tell whether

these Japanese who were doing the flashes were officers or enlisted men?

A Officers.

Q How could you tell that?

A The belt and saber.

RECROSS EXAMINATION

Q (By Captain Coder) What time of day did you see these Japanese in Malinta?

A At the time of surrender.

Q What time of day?

A Right after 12 o'clock.

Q Noon?

A Yes.

Q On what date?

A 6th.

Q 6th of May?

A Yes, sir.

Q Was there bombing going on or shell firing going on at the time you were in the tunnel -- Malinta Tunnel -- and the Japanese were there?

A I did not hear it.

Q This was around noon?

A Yes, sir.

CAPTAIN CODER: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Did you ever see that white flag flying?

A No, Sir.

Q (By General Trudeau) What was the position of the Japanese who were signaling for gun fire?

A Standing up and facing toward Bataan.

Q What was the position on the Island?

A Skipper Hill.

Q Was that a protected position?

A No, Sir.

Q (By General McNaught) Did you hear or see any signs of American resistance on Corregidor after 12:00 Noon, the 6th of May?

A No, Sir.

GENERAL DONOVAN: Anything further?

LIEUTENANT SCHWARTZ: That is all, Sir.

CAPTAIN CODER: That is all, Sir.

GENERAL DONOVAN: Witness is excused.

(Witness excused.)

LIEUTENANT SCHWARTZ: At this time the Prosecution offers in evidence Exhibit No. 418 for identification, the sworn statement of Major General George F. Moore.

(Sworn statement of Major General George F. Moore is marked Prosecution's Exhibit No. 418 for identification.)

CAPTAIN CODER: The Defense has no further Specification exception of this.

GENERAL DONOVAN: The statement of General Moore will be accepted.

(Prosecution's Exhibit No. 418, for identification, is received in evidence.)

LIEUTENANT SCHWARTZ: I now offer in evidence Prosecution's Exhibit No. 419, statement of General Jonathan M. Wainwright.

CAPTAIN CODER: Are you going to read from the statement of General Moore?

LIEUTENANT SCHWARTZ: Yes.

CAPTAIN CODER: The Defense has no further Specification exceptions to Exhibit No. 419.

GENERAL DONOVAN: Exhibit 419, statement of General Wainwright is accepted.

(Prosecution's Exhibit No. 419, for identification, is received in evidence.)

LIEUTENANT SCHWARTZ: At this time I would like to read the statement of Major General George F. Moore.

"Taken at: Shoreham Hotel, Washington, D. C.

"Date: 23 October 1945

"In the presence of: Lt. Colonel Burton R. Brown

"Reporter: Faith L. Grimsrud

"Questions by: Captain E. J. Connolly.

"Q Will you please give me your name, rank, serial number and organization, sir.

"A My name is Major General George F. Moore, 02677. I was Commanding General of Harbor Defenses, Manila Bay, which included Corregidor. I was present at the time of surrender of Corregidor on 6 May 1942.

"Q Did you hear General Wainwright broadcast his appeal for surrender terms over the 'Voice of Freedom,' Corregidor?

"A I did not hear him, and as a matter of fact General Wainwright did not broadcast. General Beebe did the

speaking for him. I was informed of this by General Wainwright. The broadcast was made the morning of 6 May.

"Q Did the Japanese answer that appeal?

"A Not to my knowledge.

"Q At what time was the white flag raised?

"A At 12 o'clock noon on 6 May.

"Q Where was the white flag raised, General?

"A White flags were placed at the three entrances to the Malinta Tunnel in full view of the attacking Japanese. Also on the flag pole at the highest point on the Island. This point can be seen from the Mariveles. I can't be sure of this, but I can't see how they could miss it.

"Q What is the highest point on Corregidor where the white flag was displayed?

"A The summit of Corregidor, about 600 feet.

"Q After the white flags had been raised did the Japanese continue to bomb and shell the island?

"A Yes.

"Q Did you accompany General Wainwright to see the Japanese regarding surrender terms, sir?

"A I went out with General Wainwright, Lt. Colonel Pugh, Major Dooley, Major Brown, and a marine officer who was carrying the white flag. We went out to meet the Japanese commander. When we approached them, the Japanese officer acting as interpreter said to General Wainwright, 'I presume you have accepted our terms, the surrender of the entire Philippine Islands.' General Wainwright after some talk demanded to see General Homma and discuss the matter with him. The Japanese then took

General Wainwright and his aide, Major Dooley, to Bataan where they were joined by General Beebe and Colonel Pugh. Major Brown and I returned to my command post at Malinta Tunnel. Colonel Pugh had returned to our lines to get General Beebe and take him to Bataan.

"Q What time did General Wainwright leave Corregidor?

"A At 3 o'clock.

"Q What time did General Wainwright return to Corregidor?

"A About 3 o'clock that night. I saw him about 10 o'clock, he told me the results of the conference. He told me that he had seen General Homma who refused to discuss with General Wainwright the surrender of Corregidor and the Manila Bay area. General Homma left the conference and said if he wished to surrender Corregidor he would have to talk with the Japanese General on the Island. General Wainwright returned to Corregidor and went immediately to the senior commander of the Japanese forces on Corregidor to surrender.

"Q Did you accompany General Wainwright on the second surrender expedition?

"A I did not.

"Q How long did fire and bombing continue on Corregidor?

"A Artillery fire and bombing kept up until at least 4 o'clock in the afternoon of 6 May, and it was renewed again on the morning of 7 May. The Japanese had informed us that they were going to shell again on the 7th and for us to get the troops out of our area by 8 o'clock. The fire was directed principally on Topside.

"Q Did the bombing continue on the morning of the 7th?

"A I do not recall.

"Q Were you fired upon at the time you and General Wainwright went down to make the first contact with the Japanese?

"A They were firing small arms and artillery fire, hitting around us. I cannot tell whether or not it was aimed at the surrender party.

"Q Were they firing at the white flags?

"A They were hitting with artillery just above the white flag at Malinta.

"Q Do you know of any casualties from shelling or bombing after noon on 6 May?

"A I do not. It is quite possible there were some.

"Q After you had completed conference with General Wainwright and Japanese on Corregidor, were you fired upon by the Japanese?

"A We started back and General Wainwright and his aide were with us, also two Japanese officers. There was no firing at the moment but dive bombers came over and attacked the shipping close to where we had to go to get back to our commanding post. The Japanese didn't want to go through it so they took General Wainwright back with them. The Japanese continued to fire over our heads as they had when we went down. If they were firing at us, I couldn't say, but they continued to fire as we walked a distance of 1000 yards. Major Brown was with me.

"/s/ Geo F. Moore
/t/ GEORGE F. MOORE
Major General"

CAPTAIN CODER: If it please the Commission, I would like at this time to call attention of the Commission by rereading one sentence on page 2, about the middle of the page, following the question, "What time did General Wainwright return to Corregidor?" The sentence is, "General Homma left the conference and said if he wished to surrender Corregidor, he would have to talk with the Japanese General on the Island." Will the Commission take note of that?

GENERAL DONOVAN: The Commission will take notice of that.

LIEUTENANT SCHWARTZ: We now propose to read Prosecutions's Exhibit 419, deposition of Jonathan M. Wainwright, General, United States Army.

"Taken at:	Shoreham Hotel, Washington, D.C.
"Date:	31 October 1945
"In the presence of:	John M. Weir, Brig. General, U.S.A., Charles B. Warren, Jr., Lt. Col., and Captain Edward J. Connolly, JAGD
"Reporter:	Arthur C. Hendrix, civilian, office of the Judge Advocate General.
"Questions by:	John M. Weir, Brig. General, U.S.A.

"Question (By General Wainwright): May I ask you before we go into this, what is the purpose of this questioning?

"Answer (by General Weir): We are trying to get all phases of the Japanese conduct of the war which were in violation of the rules of warfare, then, the specific atrocities that were committed upon the

Americans and upon the Filipinos. Will you please tell us about the details of the surrender to Homma?

"A (General Wainwright): Well, as far as Homma is concerned, when I tendered General Homma my surrender of the four fortified Islands in the mouth of Manila Bay on the late afternoon of May 6, 1942, he declined to accept that surrender unless it should include all United States and Philippine Army Forces in the Philippines. I had previously released from my command the troops in the Visayan Islands and Mindanao, and when Homma demanded the surrender of all United States Troops I informed him that I no longer commanded those troops in the Visayan Islands and Mindanao. He insisted that he knew that I did command them all, since it had been repeatedly broadcast by American radio, and I told him that was then correct -- that I had commanded them all, but that these troops -- other than those in the Fortified Islands and in the north of Luzon, were no longer under my command. I did not tell him that I had only recently released General Sharp directly to MacArthur's command.

"Q You say at MacArthur's command?

"A No, on my own decision, and directed them to report to MacArthur. Well, after considerable argument back and forth between us, he, Homma, finally said, 'You will either surrender all troops in the Philippine Islands or hostilities against the troops in the fortified Islands of Manila Bay will be continued.' Well, having completely disarmed and destroyed all weapons, except a very few small arms, the situation was hopeless. After more discussion back and

forth between us, he said something which I think was to the effect, 'Well, I see no further use in prolonging this argument,' and, without further ado he got up and left the table and walked out, and left me in the position of having all my people in the fortified Islands slaughtered, or accept his terms.

"After some delay, I finally was taken late that evening by the Japanese on one of their assault boats back to Corregidor Island and arrived there a little before midnight, and there I found a great many more Japanese troops than had been on the Island when I left to go over to Bataan at about perhaps 4:30 in the afternoon. I found them right up on both sides of the Malinta Tunnel, which was the soul of the defense of Corregidor, and the Japanese were within a few hundred yards of that tunnel. So I then demanded of the Japanese officers who were with me that I be conducted to the Senior Officer of the Japanese Army then on Corregidor Island. And I was taken to a Colonel who was commanding some detachment of the army, I don't know what his name was, to a place called Barrio San Jose, which is what we called the Bottomside. It is located at the west end of Malinta Tunnel. Then I amended the terms of my formal surrender in writing and included all troops in the Philippines. That's the story of that part. I signed it about midnight.

"Q. On 6 May?

"A. Yes, the night of 6-7 May.

"Q. Just going back now, did you receive terms of surrender from the Japanese first, or did you make it; or just who made the first move on that?

"A. Well, away back in March, shortly after MacArthur left, I received a demand from Homma-- a message dropped from an airplane--for me to surrender all the troops in the Philippine Islands, and that if accepted they would be treated as prisoners of war under the terms of International Law. And that demand I did not reply to.

"Q. Were there any alternatives in his message?

"A. Were there any what?

"Q In other words, was there a warning?

"A Yes. The last words of his message said, 'If you do not reply to this favorably within three days, we will be guided as we see fit, or take such action as we see fit;' or words to that effect.

"Q You had no further contacts with the Japanese headquarters?

"A. No.

"Q Until this particular day--May the 6th?

"A That's right.

"Q You made a further move to the Japanese on May 6th?

"A That's right.

"Q You radioed to the Japanese headquarters?

"A Yes, by broadcast.

"Q. And what was their reply to the broadcast?

"A There was no reply. I had my Chief of Staff, General Beebe, broadcast four times to assure that it got there. He broadcast first at 1030 on 6 May and repeated the broadcast at 1100, 1145 and 1230. I got no reply. But it was received all right, because, after I got over to Cabcaben on Bataan that day and after waiting about an hour or so, Homma showed up.

"Q Do you have a copy of that broadcast?

"A. Yes, I do. This is the message right here - the way it went out:

'Message for General Homma--Message for General Homma, or the present commander in chief of the Imperial Japanese Forces on Luzon.

'Anyone receiving this message please transmit it to the commander in chief of the Imperial Japanese Forces on Luzon.

'For military reasons which General Wainwright considers sufficient, and to put a stop to further sacrifice of human life, the commanding general will surrender to your excellency today the four fortified islands at the entrance to Manila Bay together with all military and naval personnel and all existing stores and equipment.

'At 12 noon, local daylight saving time, May 6, 1942, a white flag will be displayed in a prominent position in Corregidor, at which time all firing from the harbor forts will cease unless a landing by Japanese troops in force is attempted without flags of truce, in which case, they will be taken under fire.

'If all of your firing and aerial bombardment has ceased at 12 noon, local time, the commanding general will send two staff officers by boat, flying a white flag, to the Cabcaben dock to meet a Japanese staff officer, whom the commanding general requests that your excellency have there, empowered to name the time and place for the commanding general to meet your excellency in order that he may make the formal surrender and to arrange all details.

'Upon the return of his staff officers the commanding general will proceed by boat accompanied by some of his staff to such place as may be designated by your excellency. The commanding general's launch will fly a white flag and his party will consist of five or six persons. He requests that motor transportation meet his party at the landing point designated by you.

"In my broadcast I had requested a meeting with General Homma at Cabcaben to accept the surrender of the fortified islands in the mouth of Manila Bay.

"Q What were the conditions under which you first left Corregidor? You had a flag of truce with you at that time, I presume?

"A I pulled down the American flag, because it had to be pulled down, at 12 o'clock noon May 6 and replaced it with a white flag on top of the hill at Fort Mills, Corregidor. And, by that time, I had destroyed my armament. I had ordered that my troops were not to fire a shot after 12 noon; that all arms must be destroyed by that time, because I considered then, and still consider, it to be dishonorable to take any military action after you have displayed a white flag; and all action was taken before 12 o'clock, but the Japanese firing continued. As soon as a little lull came in the firing, I sent an officer out with a white flag. He was a captain in the Marines, I don't know his name, but he was to look up the senior officer if he could find him on Corregidor Island, and ask him if he, the Japanese Officer, would come to me and see me. That Marine officer returned about 2:00 o'clock and stated that

the Japanese officer would not come to see me, and that I would have to go to see him. So, accompanied by General Moore and his aide, Major Brown, and my two aides, Colonel Pugh and Major Dooley, with the same Marine officer and the white flag, I went out and contacted the senior Japanese officer at that time on Corregidor Island, Denver Hill which is to the east of Malinta Tunnel, and there was told that no surrender would be considered or accepted unless it included all the troops in the Philippine Islands.

"Q Who told you that?

"A A Colonel who was there at that time. He was evidently a staff officer. I don't know his name. He had an interpreter named Uramura. I told him I was only considering the surrender of four fortified islands at the mouth of Manila Bay. He said, 'That will not be accepted.' Then I said, 'I must see General Homma.'

"Q (By Colonel Warren) What flags of truce were displayed on Corregidor that afternoon?

"A I think there was only one flag displayed. We had hoisted the white flag on the flag pole when we pulled down the American flag.

"Q (By Colonel Warren) Was the flag on Fort Mills in plain view of the Japanese artillery on Bataan?

"A Yes. It was on what we called 'Top Side' which is 600 feet above sea level, and from Bataan you can see that from almost anywhere. They had artillery observation posts all over Mariveles mountain which extends to an altitude of 4500 feet, and they had anchored balloons from which they were observing artillery fire. Of course they saw

it.

"Q (General Weir) Did you go directly from this colonel to Homma's headquarters?

"A I never went to Homma's headquarters.

"Q I mean this house where you met him?

"A I had a motor launch anchored on the southdock of Corregidor Island. Anticipating this move to Bataan, I had ordered it around to the north dock and after I met this colonel I tried to go to the north dock, and about that time the Japanese artillery put down a very heavy concentration between where I was and the Malinta Tunnel. One of my aides, Colonel Pugh, heroically and without my knowledge or direction, went through that artillery fire to the north dock to get my boat and bring it around. I started back with a Japanese Colonel and a Japanese Lieutenant (Uramura) who spoke English. When this artillery concentration became heavy the Japanese Colonel wouldn't go with me. He said, 'No, we will go out to the east end of the Island where we can get a Japanese boat.' John Pugh, however, went through the artillery fire and got my boat, but found out in some way that I had gone. He met me later on Bataan. This Japanese Colonel went on to the east of the Island out to the tail which is called North Point. After considerable delay, perhaps an hour or an hour and a half, he managed to get a Japanese assault boat from Bataan. In that we went to Cabcaben which is the place that I had asked for a meeting with Homma.

"Q Who was with you when you met Homma?

"A Boebe, Pugh, Dooley, Major Bill Lawrence and Sergeant Carroll.

"Q (Colonel Warren) About what time, General, did you contact General Sharp as to the release of his troops? Was this before your broadcast?

"A I sent three messages May 6th. The last thing I did. I probably sent these out between 11 and 12. They had to be all coded and I think they went out between 11 and 12. One went to Sharp, one message to the President, and one to General MacArthur.

"Q And they released General Sharp's troops from your command?

"A Yes, one of them did.

"Q What was the extent of the Japanese fire after the flag of truce was hoisted at noon on the 6th?

"A Well, I have just described one heavy artillery concentration which they put down between their position and Malinta Tunnel. While I was talking to this Japanese colonel there was also a heavy aerial bombardment of both Corregidor and Fort Hughes, which is on Caballo Island -- the nearest one -- and the fire kept up intermittently during that afternoon and night. When I came back that night, about midnight or a little before, there was a tremendous artillery bombardment which came down on the west end of Corregidor Island while I was negotiating with that colonel at the Barrio San Jose. That was a tremendous bombardment.

"Q Did that continue on the morning of the 7th of May?

"A Yes, there was artillery fire on the morning of the 7th. Quite a heavy concentration on the morning of the 7th. That was the last firing -- on the morning of May 7th. That was about the middle of the forenoon -- 9:30 or 10 o'clock.

"Q Do you know of any American casualties as a result of that bombardment?

"A There were unquestionably casualties, but I don't remember how many. In fact, I can't tell you how many casualties there were on the night of the sixth.

"Q There were deaths, General, after the white flag was hoisted?

"A Oh, unquestionably.

"Q (General Weir) Let's go back to the meeting with Homma. When you left him you came back to the Island. Please take up right there until we get back to Manila.

"A After I left Homma, I went down to the dock at Cabcaben where my motor boat, that Colonel Pugh had brought over, was tied to the dock. When we got back there we found that the boat was fast sinking from shell fire, and it was apparent that we couldn't go back to Corregidor in that boat. Some of those with me had removed our hand baggage which we had taken over with us, because I never expected to go back to Corregidor when I went over.

"Q Were you in custody at that time?

"A Yes, and the Japs took the same boat that I had gone over on and loaded up my party on that and took us back to Corregidor Island and landed between North Point

and Cavalry Point, so-called, nearer the eastern end of the Island. This boat ran in as close to the shore line as it could and when it hit the rocks we got out and waded ashore, and scrambled up quite a steep cliff and got to the road which passes just by Kenley Field, which is a small airstrip there -- very small. By this time I had made up my mind tentatively that I would have to arrange for acceptance of Homma's terms, and, as we marched toward Malinta Tunnel, I finally decided I would have to do it, after I saw what conditions were, and I asked to see the senior officer on the Island. We were stopped just to the east end of Malinta Tunnel and some Japanese officers went over and we sat on the ground for perhaps half an hour. These officers came back and said they would conduct me to a colonel who was then in Barrio San Jose, and I went through the Malinta Tunnel and found it, as I have already described it to you. I saw this Japanese colonel and amended the terms of my original document to include all troops of the Philippines. I was then taken back to Malinta Tunnel. I went to a little room that had been set aside for me and I remained there for the remainder of the night. The next morning at perhaps seven o'clock, or it might have been eight, I am not sure, I was up at the time, the Japanese colonel, who was a member of Homma's staff, his name was Haba, came along to arrange details of the surrender with me. After considerable discussion back and forth I finally wrote out a message that I would send by broadcast to General Sharp, which I opened up by telling him that I resumed command over his troops, and I

sent messages to Colonel Horan in the mountain provinces and to Colonel Nakar of the Philippine Constabulary, who commanded a small detachment inthe Cagayan Valley. Then Colonel Haba said we would be given an opportunity to broadcast these orders to General Sharp, Horan and Nakar. I told him that they would not accept any orders by broadcast, for the reason that anybody could do that -- broadcast such orders -- and then I thought better of it, that if I broadcast this message to Sharp, and then send it down by one of my staff officers by plane -- which the Nips said they would furnish -- it would give Sharp time to communicate with General MacArthur. He would have at least twenty-four hours. So I finally told this Japanese colonel 'O. K.', I would do that. So I wrote out these various messages. Then he went off somewhere and I sat all day waiting for him. He got back about five. Then he said that we would now leave; we got into one of their boats and went over to Limay where we disembarked and, again, he left us, in the yard of a Filipino school which was apparently being used as a Japanese barracks, and we must have waited an hour or two hours before he came back. I think he had been in telephonic communication with Homma's headquarters. Then we got in cars and drove to Manila, arriving I should say, roughly at 11:30, the night of May 7th. We went to the broadcasting station that had formerly been an American broadcasting station, KZRH, and there I broadcast the letter that I had written to Sharp, Horan and Nakar, and arrangements were made for one of my two staff officers, Jesse Traywick, G-3, to go to Sharp in

Mindanao by plane, and for Colonel Galbraith, my G-4, to find Horan in mountain province, and Kalakuka of QM, to go into Cagayan Valley to find Colonel Nakar. I broadcast this message from just before until just after midnight on the night of 7-8 May.

"Q Did you give any special instructions to these officers that were carrying the messages?

"A I gave them the complete conditions that General Homma imposed; that is, as to where they would form their troops; what they would do with their weapons, materiels, etc.

"Q Did any of them ever report back to you?

"A Traywick went to Sharp and came back. A complete text of my letter was sent fo General MacArthur and MacArthur had radioed back, 'You should break up into small guerrilla detachments.' He also said, 'Now that you are on the ground I will leave the matter entirely in your hands. It is up to your discretion.' Sharp then accepted my orders and surrendered his troops.

"Q Did Kalakuka come back?

"A He's dead. Whether he was killed, or died from illness I don't know. Galbraith came back. He rejoined me at Tarlac in North Central Luzon sometime in July. I was in Tarlac from the 9th of June until the 11th of August.

"Q General, can you go back now to Manila--to the broadcast at midnight; what happened to you from that moment on? Will you carry that a little further, if you don't mind?

"A. Following that broadcast, the Japanese took me to an apartment in the University Club, which is at the corner

of Dewey Boulevard and South Avenue. This club had occupied the two top floors. Below that were the apartments, and they had been occupied by Americans and English mostly, and we went there, and they gave me a room. I was held there and I was told that I was not a prisoner of war.

"Q That you were not a prisoner of war at that time?

"A Yes, but I well understood what they meant by that; that is that they were going to hold me there until the troops had surrendered.

"Q In other words, as a hostage?

"A Yes, I stayed there until the 9th of June. The whole point was that the Japanese were holding some ten thousand troops in the fortified islands whose surrender they would not accept until the troops all over the Islands had complied with the surrender orders. My principal concern was for fear that they would do what they said they would do; that is, slaughter all those people in the fortified islands unless the troops all over the Archipelago surrendered. That was my chief concern -- for those troops on Corregidor and the other fortified islands. Well, we finally got the situation pretty well cleared up and on the morning of June 9th the Japanese officer who spoke English, Lieutenant Uramura, came to me with a letter in Japanese which was translated and stated in substance: 'The troops under your command have now surrendered; your high command ceases and you now become a prisoner of war and will today be conducted to a prisoner of war camp at Tarlac.' There we went that day.

"Q How long were you at Tarlac?

"A For two months and two days. I left there the 11th of August.

"Q Did you see Homma again?

"A I never saw Homma after I met him at Cabcabun, at which time he rudely got up from the table and walked off. I never saw him again.

"Q Do you know whether Yamashita was ever on Luzon or in the Philippines while you were operating there?

"A I'm quite sure he was not.

"Q The reports that we had here were something to this effect with reference to Homma: That he wanted a 'Yes or no, or nothing else.'

"A Yes, that's what he said. 'A complete surrender or nothing.' He said, 'You surrender all troops in the Philippine Islands or I will continue hostilities against the fortified islands.' With my troops in the condition they were, I could make but one decision, unless I wanted to see the slaughter of ten thousand Americans.

"Q Would you be available to testify in war crimes trials?

"A Of course, I am available at any time my country demands my service. But I can name you a dozen better witnesses than I am. I will go, if I am required, but I don't think it would be necessary as I can name so many other witnesses.

"/s/ J. M. Wainwright
/t/ J. M. WAINWRIGHT
"General, U. S. A."

CAPTAIN CODER: I would like to point out to the Commission in respect to this affidavit of General Wainwright, there on page 7, the answer to the question --

GENERAL DONOVAN: Before we go into that, we will have a ten minute recess and then consider any comments you wish to make.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, the members of the Commission are present with the exception of General Valdes. The Accused, with three members of Defense Counsel, is present. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: We will take up any comments Defense may have in connection with General Wainwright's affidavit.

CAPTAIN CODER: If it please the Commission, I would like to call attention to the sentence at the bottom of page 3. It is a clause of a sentence in that answer, the last two words on page 3 and continuing over to page 4: "***because I considered then and still consider it to be dishonorable to take any military action after you have displayed a white flag --"

I would like to point out to the Commission that that is General Wainwright's opinion.

Further, on page 7, in answer to the question: "In other words, as a hostage?" That entire paragraphing following, the answer, is the opinion of General Wainwright.

GENERAL DONOVAN: That is correct; this whole Affidavit is his opinion.

Anything further?

CAPTAIN CODER: That is all.

COLONEL MEEK: If the Commission please, we have been advised that Colonel Pugh, General Wainwright's aide and Major Tisdelle, General Strongs' aide, left Washington on a high priority on the 15th. We are sure they will be here no later than Monday morning. They will be our final two witnesses. Colonel Pugh can testify as to the terms of the surrender of Corregidor and Major Tisdelleas to the terms of the surrender of Bataan. With their evidence we will rest.

We would request a continuance now until Monday morning.

GENERAL DONOVAN: Do you have anything further to offer?

COLONEL MEEK: I want to say at this time that that will conclude the evidence to be introduced by the Prosecution. We have introduced evidence on every Specification except Specifications 9, 24, 26, 34, 41 and 36.

GENERAL DONOVAN: Read those numbers again.

COLONEL MEEK: 9, 24, 26, 34, 41, and 36.

As to 24 and 26, the evidence in those show the atrocities occurred after August 5th.

As to Specifications Nos. 9, 34 and 41, we do not have the witnesses available to testify on those.

As to Specification No. 36, we do not have proof.

GENERAL DONOVAN: Anything further?

CAPTAIN CODER: Nothing further.

GENERAL DONOVAN: The Commission will adjourn and meet at 0830 Monday morning.

COLONEL MEEK: Would there be any objection to making it 9 o'clock?

GENERAL DONOVAN: Why?

COLONEL MEEK: Well, Sir, 8:30 will be all right, then.

GENERAL DONOVAN: We will meet again at the regular time on Monday morning, 0830.

(Whereupon, at 1545 hours, 19 January 1946, the trial was adjourned until 0830 hours, 21 January 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XVIII

PAGES 2299 TO 2438

MANILA, P. I.

DATE 21 January 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	
- - - - - - - - - - - - - - - -	)	

High Commissioner's Residence,
Manila, P. I.
21 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as herebinefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter
FIRST LIEUTENANT CHARLES F. HUSTON, AGD

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Achille C. Tisdelle	2299	2337		
John R. Pugh	2364	2391	2406	
(By the Commission)	2407			

EXHIBITS

PROSECUTION EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
420	2310	2311
421		2329
422	2376	2376

GENERAL

Prosecution Rests	2409
Motions by Defense and Argument	2410
Answering Argument by Prosecution	2433

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with five members of Defense counsel. Prosecution is present and is ready to proceed.

GENERAL DONOVAN: General Valdes was absent during the last session of the Commission. I would like to ask General Valdes: Are you familiar with the proceedings that took place during that session?

GENERAL VALDES: I am familiar with the proceedings.

CAPTAIN RAFF: Sir, the Prosecution at this time calls Major Tisdelle.

ACHILLE C. TISDELLE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Raff) Will you state your name, grade and organization?

A My name is Tisdelle; first name, Achille C., Jr.; Major of Cavalry; aide-de-camp to Major General King, Commanding General of the Luzon Force.

Q Now, Major Tisdelle, were you a member of the American and Filipino forces on Bataan in April 1942?

A I was.

Q What was your rank and assignment at that time?

A I was captain, aide to the Commanding General of the Luzon Force.

Q Who was --?

A Major General E. P. King, Jr.

Q Now, were you present at the surrender of Major General King, the conference of surrender to the Japanese forces?

A I was.

Q In April 1942?

A I was.

Q Now, will you tell the Commission, as chronologically as possible, the events just preceding, at the time of the conference and immediately after?

A Yes, sir. In the last few days of April 1943, just preceding the 9th of April --

GENERAL DONOVAN: What date was that?

THE WITNESS: As you were; 1942, sir.

GENERAL VALDES: Check it again.

THE WITNESS: 1942 is right.

GENERAL GARD: What month?

GENERAL DONOVAN: Just a minute. Let's start over again and answer the question, please.

A (Continuing) In the days immediately preceding the 9th of April 1942, the Japanese forces had pushed back the American forces on Bataan in such fashion that it was no longer possible to reorganize them. Approximately 43 per cent of the armed forces on Bataan were ill with malaria, dysentery and/or debilitation from lack of rations.

During the period 3 April to 8 April 1942, the American forces had gradually broken. Reserves had been released from Force Headquarters to 2nd Corps Headquarters.

There were no further reserves available, and the 2nd Corps had disintegrated.

When it became apparent through lack of communications with forward elements, and when it became apparent that elements that were available could no longer be reorganized -- and this was on the afternoon of 8 April 1942 -- General King called members of his staff together and instructed that all materiel would be destroyed, with the exception of truck and passenger transportation. This order was carried out during the afternoon and night of 8-9 April 1942.

At 2 o'clock in the morning of 9 April, the General -- as you were -- General King had been unable to make contact with the Japanese commander, and at that time Colonel Everett C. Williams, Field Artillery, General King's chief of artillery, volunteered to go forward personally to make such contact.

GENERAL DONOVAN: May I interrupt you for just a second?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Where was your C. P. at that time?

THE WITNESS: It was in the vicinity of -- never mind the record -- I don't recall the kilometer, sir. I think it was 157, but I am not sure.

GENERAL DONOVAN: That is all right.

THE WITNESS: It was on the main road just east of Mariveles.

GENERAL DONOVAN: That is all right; in the vicinity of Mariveles is all right.

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Now go ahead. Take your time.

A (Continuing) The Japanese were under the impression that our headquarters was in Mariveles, because General King had had his engineers continually repair small buildings there for that purpose, to make them think that our headquarters was there. They continually bombed it, and did not bomb our actual headquarters, which was hidden in the woods.

Colonel Williams, accompanied by Major Marshall Hurt, Infantry, Special Staff, went forward in a jeep at 2 o'clock in the morning. They contacted the initial Japanese elements at the bridge crossing the Lamao River at Rodriguez Park in Bataan.

The infantry elements which they met conducted them a short distance off the road to the west, to a small building which had provided the headquarters for Rodriguez Park, and there they met a major general commanding the division occupying the left flank of the Japanese advance. This major general kept Colonel Williams at his headquarters as a hostage, but permitted Major Hurt to return to our headquarters, which he did, arriving shortly before daybreak on the 9th of April.

At that time General King assembled the following members of his staff: Colonel Victor Collier, Field Artillery, General Staff Corps, his G-3; and Major Wade Cothran, Field Artillery, ADC; and myself.

We embarked in two jeeps. Just before embarking in the jeeps, I cut a bedsheet into halves. My orderly

fastened the two halves to two separate bamboo poles. We drove up the road in the two jeeps, displaying the two white flags prominently.

It was not yet daylight when we began; it was approximately 6 o'clock in the morning. We did not arrive at our destination until sometime between 8 and 8:30 in the morning. We were delayed en route because our two cars were strafed repeatedly and bombed once by Japanese aircraft. There were numerous aircraft in the sky, because the destruction of the ammunition dump which was adjacent to our headquarters during the previous night had made a rather spectacular display, which had attracted a good deal of attention.

Our practice in going forward was to take to the ditches when we were attacked by strafers, and as soon as the strafers were almost overhead or in a position where they could not strafe but we were visible, for Colonel Collier in the forward jeep and I in the second jeep to get up out of the ditch and run onto the road, waving the flags so that they could see them. Either the pilots of the airplanes did not recognize the flags or did not choose to recognize the flags, because the strafing continued.

Just before we reached the bridge at Lamao, an airplane apparently did recognize our white flag, because as it dived upon us and we got out to take to the ditches again, it did not fire, but wagged its wings.

And immediately after that, after proceeding about 100 yards, we reached the bridge at Lamao. It was then

daylight and we encountered a column of Japanese infantry drawn up in column of twos on either side of the bridge. The platoon leader gave us a sign to halt. We stopped. And without -- as you were -- they moved us then in our jeeps to the office in Rodriguez Park, where we encountered the major general commanding the division in that locality, and Colonel Williams, who had remained.

The major general had a young Japanese soldier act as interpreter, and this soldier was unable to speak very good English. However, by means of writing on paper, he was able to convey this information from the major general commanding the unit there: The major general said that he personally was unable to treat with General King, but that when Colonel Williams had initially arrived, he had sent a courier back to advanced headquarters to apprise the Japanese headquarters of General King's intention to come forward, and that they were expecting a representative from that headquarters at any time; meanwhile we should wait.

We were not disarmed, we were not mistreated, we were not invited to sit down; we stood, from approximately 8:30 until a quarter to 11, when a Cadillac car, which I recognized as belonging to my friend Juan Elizalde, drove up, and a senior Japanese officer, accompanied by a junior acting as interpreter, debarked from the car and approached our table.

I was not able to learn the name of the senior Japanese officer then or later, nor the name of the junior who acted as interpreter. I gathered from remarks made by

the junior officer that the senior was Lieutenant General Homma's Chief of Staff, and that the junior might be his aide.

This senior officer sat down at a table just outside the door of the building, a long table. He sat down alongside the table with his elbow resting upon the table, and did not look at General King. The interpreter, the Japanese interpreter, stood in front of him at the far end of the table. General King sat on the other side of the table facing him, with his hands in front of him on the table. I stood at the other end of the table, and our other three staff officers and the Japanese staff officers who were with the major general and who were curious, also gathered around the table.

The interpreter spoke a few words with this senior staff officer, and then turned to General King, speaking with a German accent, crisply, and addressed him as follows: "You are General Wainwright!"

General King said that he was not, that he was General King, commanding the forces in Bataan. The interpreter spoke with the chief of staff for a few moments, and received instructions, turned back to General King and said, "You must go and get General Wainwright!"

General King explained that he did not represent General Wainwright, that he represented only himself, and that he had no means of getting in touch with General Wainwright.

The aide turned back to the senior staff officer and they conferred again, whereupon the aide addressed

himself to General King and said, "For what purpose have you come?"

General King said that he had come to secure terms for the force in Bataan. The aide turned back to the senior officer, and they talked for a few moments again. Then, turning back to General King, he repeated the question, phrasing it differently. I don't know how he said it, but it led General King to speak concerning his mission, and General King said that he wished to secure terms for the troops on Bataan, and that he would like to ask for certain conditions: First, that he be permitted to return to headquarters in order to send couriers forward to apprise forward elements of the fact of our collapse; second that he requested an armistice of 12 hours in order to accomplish that purpose; third, that the Japanese forces remain in their present positions during that armistice, in order to obviate further loss of life; and last, he pointed out that he had preserved sufficient truck and motor car transportation in Bataan to evacuate the prisoners to any point on Luzon that the Japanese staff might indicate, accompanied by proper guards.

This was then repeated to the staff officer. At that time I understood very little Japanese -- I understood no Japanese -- so I don't know what he said. However, he spoke shortly, and the aide turned back to General King and said, "Surrender must be unconditional!"

So the General said that if he were to agree to unconditional surrender, would the Japanese consider the following provisions; and, changing his phraseology in the

hope that the difficulties of interpretation might help our case, he repeated that he would like to have permission to notify forward elements; that it would save a good deal of life on both sides if during this period the Japanese forces were to remain in their present positions, and that the movement of prisoners would be facilitated by the use of our trucks and motor car transportation.

Of course, the General knew that operations would begin upon Corregidor immediately, and Corregidor's guns were able to bear on parts of Bataan. We had used those guns on Japanese landings on Nagbalayong and Quinauan and points. So the aide repeated this again to the senior staff officer, who repeated again, "Surrender must be on-conditional!"

General King then asked if our troops would be well treated, and after a conference again with the senior officer by the aide, the aide turned to General King and said, "We are not barbarians!" I will never forget the way he said that.

That was all that General King was able to secure in the way of a promise of treatment, was that "We are not barbarians."

So the aide and the senior staff officer conversed again and they apparently had picked up General King on one point. He had twice used that expression, that he had preserved sufficient truck transportation and motor transportation and they turned back to General King and said, "How much guns do you have?"

The general said that he did not have any guns. They asked what had happened, where they were, and the general said that he had ordered that they be destroyed. They asked the same questions concerning tanks, and then this aide turned back again and said, "Where is the booty?" The general said there was no war booty.

The aide spoke to the senior officer and they had a heated conversation, and then the aide turned to the general again and said, "You will surrender." The general nodded his head. The aide asked for his saber. General King's saber was in Manila when we evacuated, and had left it behind. They seemed quite concerned that the Hollywood regulations for a surrender were violated in this fashion, but they accepted the general's pistol and I was disarmed, too, of course, as were the other staff officers. Then the senior officer got up to leave, accompanied by the junior, whom I referred to as an aide, and got back in the car and drove off.

At no time during the conversation did the senior officer look at General King. He would not lower himself to look at him.

So when they drove off we got back into the jeeps --

GENERAL DONOVAN: Just a minute.

Of course, all remarks that have been made here will be placed in the record. At one time the witness declared that this would be off the record, but it will go into the record.

We will take a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with five members of Defense counsel. The Prosecution is present and we are ready to proceed.

Q (By Captain Raff) Major, would you continue at the point that you left off?

A Yes. We had embarked in our two jeeps and the senior Japanese staff officer and this junior who I have referred to as an aide had gone off in Mr. Elizalde's Cadillac. Then as we turned to go our way was barred and General King, Colonel Williams, Major Cothran and I, were stopped. Colonel Collier and Major Hurt were permitted to return to see Brigadier General Arnold J. Funk, who was General King's chief-of-staff of the Luzon force, and they carried the message concerning the surrender.

General King, Colonel Williams, Major Cothran and I, were taken in our jeeps to Balanga where we were placed in a small tienda across the road from the Balanga Elementary School house. We were allowed to remain there for perhaps three-quarters of an hour, during which time numerous

photographs were taken from all angles, and by military as well as D... N... photographers.

Then an orderly was sent into the tienda and we were conducted across the road, around and behind the schoolhouse into the former playground, where we were kept waiting for some little time, perhaps 15 minutes, and then conducted under some trees where a table and some chairs had been placed.

The schoolhouse, the interior of the schoolhouse, as we could see through the windows, contained some form of headquarters. There were numerous people working at paper work, and orderlies going back and forth. We sat underneath the trees for about ten minutes when a staff officer and the man who I have referred to as the aide came out of the building and sat down on the other side of the table from us.

Do you have that picture?

CAPTAIN RAFF: Here it is.

THE WITNESS: Thank you.

This is a picture of the occasion to which I refer.

MAJOR SKEEN: Is this picture being introduced into evidence?

CAPTAIN RAFF: I will offer that into evidence.

Will you mark this as our next exhibit?

(A photograph was marked Prosecution Exhibit No. 420 for identification.)

MAJOR SKEEN: Is this the only copy of it?

CAPTAIN RAFF: That is the only copy we have. It is a Japanese propaganda picture.

MAJOR SKEEN: There is no objection.

GENERAL DONOVAN: What is the number of the exhibit?

CAPTAIN RAFF: It is Prosecution's Exhibit No. 420.

The Prosecution offers Exhibit 420 for identification into evidence.

GENERAL DONOVAN: It is accepted.

(Prosecution Exhibit No. 420 for identification was received in evidence.)

THE WITNESS: This officer, gentleman, is the junior staff officer who acted as an interpreter at the time of the surrender.

GENERAL DONOVAN: Which one is that?

THE WITNESS: Where my left index finger is on the photo, sir (indicating). I do not know his name or his rank. He was not wearing a blouse. His shirt did not have an insignia upon it.

He again acted as interpreter, and General King was questioned. At this time only General King was questioned. The questions that were asked --

GENERAL DONOVAN: May I interrupt you?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Who is the officer sitting in the chair opposite General King, the Japanese opposite General King?

THE WITNESS: I do not know who he is, sir.

GENERAL DONOVAN: And the other Japanese is the interpreter?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Who were the other American

officers?

THE WITNESS: From left to right, with his hand covering his face is Colonel Everett C. Williams, General King, and Major Wade Cothran, Field Artillery, and partially obscured by the Japanese staff officer is myself.

GENERAL DONOVAN: Will you read the last few remarks?

(Record read.)

THE WITNESS: The questions that were asked -- I will give the questions as I remember them -- first of all they asked where the Japanese war prisoners were imprisoned. General King told them. Then they asked how many war prisoners we had and General King told them that we had approximately 60. They seemed surprised that we did not have more, and the general pointed out that when a force is withdrawing, as ours did, it does not have an opportunity to take many prisoners, which apparently satisfied them.

Then they asked again how many artillery pieces we had and the general said that we had none. They asked how many tanks and the general again told him that we had no tanks. Then they changed the subject after a short conference between the aide and this staff officer, the Japanese staff officer, and asked how many troops there were on Corregidor. General King said he did not know. Then they asked how many guns there were on Corregidor. General King said he did not know that.

They asked, "Where are the guns placed on Corregidor?" He said he did not know that.

They then asked him how it was that he, a general

officer, seemed to have so little information. General King said, "I can give you any information" -- as you were -- he said, "I may give you any information you ask concerning my former command, but I am unable to give you any information concerning the defenses of Corregidor."

They then asked him if he meant that he did not know anything about the defenses of Corregidor, or if it meant that he refused to answer. The general said, "It means that I will not give you any information about the defenses of Corregidor."

They apparently did not become angry at this time, although they did later at such answers, and changed the subject.

Is the Court interested, gentlemen, in a little angle concerning the way we were treated at that point?

GENERAL DONOVAN: You just tell the story as you know it.

THE WITNESS: All right, sir.

GENERAL DONOVAN: When we see fit to stop you, why, we will stop you.

THE WITNESS: At this time I had been sitting, waiting, while this was going on, and I crossed my legs and drew out a package of cigarettes, and I lit a cigarette. The man whom I referred to as the aide, who was sitting on the far side, was affronted at this lese majeste, from a person of our ilk, and he leaned over and knocked the cigarette out of my hand and pulled my leg down and said, "Sit at attention." So I sat at attention.

The Japanese staff officer then brought out a map and

laid it on the table, and it was a planographic or lithographic black and white positive map of Corregidor and the lower end of Bataan.

He asked of the general, "General King, show me here where the tunnel leads from Mariveles to Corregidor." The general told him that there was no such tunnel. They said, "There must be a tunnel," this aide, and the general assured him that there was not.

Then he said, "Where is the cavern and tunnels where are stored all the large reserves of artillery?" The general said there were no such caverns.

"There are such caverns," and he pointed down to the cliffs on the Manila Bay side of Mariveles. "There are caverns here where artillery is stored. Do not lie. You must have much artillery. It has been destroyed many times and you bring out additional artillery."

The General was not able to convince him one way or the other, I believe, but they gave up the subject and we gathered what happened was that the General had previously been General MacArthur's Chief of Artillery prior to taking over command in Bataan, and during that time he had been allowed to select artillery officers and to arrange artillery units. The practice had been to erect dummy bamboo cannons. The Filipino staff officers who understood such tactics were very clever in building such devices with old wheels and digging them in and putting them in good condition and firing powder on occasions when observation planes could see these positions, whereas, actually, 155 artillery and 75 milimeter 105's were in other positions and were moved directly so they would not blast out too much cover and make their positions known. Very often the Japanese airplanes had bombed these artillery positions and I believe had thought that they had destroyed this materiel and that we must have a supply some place, so we were bringing out additional pieces.

GENERAL DONOVAN: I think you could leave some of that out.

THE WITNESS: All right, sir. They stopped the conference then and abruptly, and we were brought back to this little tienda across the way where we had been before the conference started. We were left there, then, for about an hour, during which time additional photographs were taken and then we were taken to Orani. We were not taken to Orani at that point. We were taken next door to -- I am sorry, gentlemen, I will have to look that up. I am

just a little obscure.

GENERAL DONOVAN: Have you any objection to his consulting his notes?

MAJOR SKEEN: I would like him to explain his notes.

THE WITNESS: It is a diary, gentleman.

GENERAL DONOVAN: There is no objection. It is all right.

THE WITNESS: It is a diary, gentlemen. General Artillery Section, USAFE, began December 8th, 1941.

GENERAL DONOVAN: Whose diary is that?

THE WITNESS: It is my diary.

MAJOR SKEEN: You prepared that yourself?

THE WITNESS: Yes, sir.

CAPTAIN RAFF: You kept that?

GENERAL DONOVAN: No objection.

THE WITNESS: I may have -- it was begun on December 8th, 1941 and concluded on August 17, 1945. It is chronological by days up until about September of 1942 when I was at Cabanatuan and subsequently only has interest in connection with events which took place that were important, but previously it is chronological by date. I carried this diary with me during this period.

GENERAL DONOVAN: You can refer to it anytime you wish.

THE WITNESS: All right, Sir.

GENERAL DONOVAN: Where did you go when you left the conference.

THE WITNESS: It wasn't Orani. We went across the road to the small tienda where we have been when we originally arrived.

GENERAL DONOVAN: Have you that map?

(Prosecution secures map)

GENERAL DONOVAN: No, not that -- the little map, so he can refer to it.

THE WITNESS: We were taken back across the road to this same little tienda and allowed to remain for approximately an hour and then a Japanese officer came in and invited us to follow him and we went to the next building and up the stairs to the apartment above the store there. Here we were asked to be seated by a table and two curious Japanese private soldiers -- orderlies they were -- were standing in a doorway to the kitchen. They grinned and chatted a great deal and our guard went back down the stairs and stood at the bottom. We sat down. I looked at these two soldiers and they grinned. Finally one came forward and passed out some cigarettes and we accepted the cigarettes. It was at this time about 2 o'clock in the afternoon. And around 2:30 or 3:00 Colonel J. Takasaki came up the steps and came in. He came in and he took off his cap and bowed and smiled. He sat down and he said, "Ah, now for you the War is over, and so now we are all friends." And General King nodded politely to him and said, "Yes, for us the War is over but we are not friends; we are your prisoners." The Colonel said, "Oh, no, we are friends." And he asked if we had anything to eat and spoke to the orderlies and they brought us some evaporated milk which had been heated and then they brought us some warm San Miguel beer and some more cigarettes and Colonel Takasaki was pleasant. After a little while he rose to leave and said, "Shortly

I will come back and you and you," indicating General King and Colonel Williams, "will come with me. I am going to take you for a ride." And then he left and later he sent word up and General King and Colonel Williams went away leaving Major Cothran and I in the building. After the General and Colonel left, the two Japanese orderlies gave us some rice and some vegetable soup and did not disturb us. Around just before nightfall, the General and Colonel had not yet returned. I was beginning to worry about them and an orderly came up and invited Major Cothran and I to accompany him. We went downstairs and got into our old jeep and a Japanese soldier wearing sidearms got in the driver's seat and another guard with rifle and fixed bayonet got in the front seat, and we in the back, and we went up the road to the north, leaving Balanga. It got dark as we proceeded and the lights on the car had been blacked out with blue paint, so that it was just possible to show on the road and we had a difficult journey, with the Japanese guard with the rifle almost falling out of the car at one time when we came up to --

GENERAL DONOVAN: Would you mind just skipping that?

THE WITNESS: Yes. So, they took us to where General King and General Williams were located, which was in Colonel Takasaki's house at Orani. We arrived there and we saw the lights burning on the porch and we heard Colonel William's voice and Colonel Takasaki's voice. Our guard brought us up to the head of the stairs and we were greeted by Colonel Takasaki and we were rather dirty. The roads were very dusty in Bataan. Of course, we hadn't had a change

of clothes for three days because of the conditions at our headquarters, and we had to get down in the dirt so often we were pretty dirty. Colonel Takasaki had noticed that and suggested that we would like to take a bath. So, he sent us downstairs and we were allowed to use 50 gallon oil drums to bathe, and when we came back up there, on the table was a nice dinner; rice, soup, chicken, beer, saki, and tea. Colonel Takasaki, as I later learned, had done us quite an honor in appearing in a kimona rather than a uniform. He offered us beer and saki and that was the last opportunity for the next 3½ years that I had, and I often later wished I had taken advantage of it. But the way we had been treated, and this gentleman was so very kind, I was afraid that the object was to make us drink of it and then to question us, so I didn't touch it and no one else did. But he was actually very pleasant and didn't ask us any questions. After we had been there about an hour, then it was about 7:30 or 8 o'clock, Colonel Takasaki rose and said that he was very sorry that our accommodations would not be what he might wish, but that he could do no better and we were then to leave, so we were taken in a passenger car back over to Orani and there, at the road junction in the center of Orani, we debarked and on the inland side of the road were put into a storeroom with a filthy wooden floor; blankets were laid and we were told that is where we would stay. There were two Japanese guards there with lanterns and they bedded us down on our blankets, the four of us, and they stayed around most of the night bringing friends in to see us and shining the lanterns, and we didn't

get any sleep. The next day we were taken to a tienda -- to the rooms above the tienda, the next floor, and placed in a room which overlooked the military police station just across the road, on the Manila Bay side of the road. We were there for 24 hours, during which time the head of the column of prisoners marching up from Bataan put in an appearance and began to go by. Among the head of the column -- when I say "head" I mean the first thousand.

GENERAL DONOVAN: What date was that?

THE WITNESS: It would be the 10th, Sir.

GENERAL DONOVAN: Will you give us some of the highlights of what you saw that day?

THE WITNESS: Yes.

GENERAL DONOVAN: That is all right. Just go ahead.

THE WITNESS: The head of the column consisted of mixed Filipino troops and civilians and they came out carrying some small bundles. When they reached the MP station at Orani, the guards changed, and after the group had been verified by the new guard, its belongings were taken away and its bundles were taken away and it was marched up the road by the new guard.

GENERAL DONOVAN: May I interrupt you a moment? What I would like to get here is some of the highlights -- anything unusual that happened along that march -- the condition of the men rather than the details about the composition.

THE WITNESS: Nothing happened the rest of the day. I didn't see anyone beaten at all; so, the next day on the 11th, the people were still coming up -- Saturday, the 11th of April, and at 2:00 A.M., we were aroused and taken across

the street to Military Police headquarters, one at a time, in order of rank, and there, again, we were questioned by another Japanese staff officer with this man whom I referred to as the aide acting as interpreter again. We were all asked the same questions we discovered when we came together later. When I was questioned I was asked questions concerning the defense of Corregidor and I was asked why we didn't have more Japanese prisoners.

GENERAL DONOVAN: Were you mistreated during that questioning?

THE WITNESS: Yes, Sir.

GENERAL DONOVAN: Tell us about that.

THE WITNESS: Well, I had answered that in the negative, "I do not know. I am unable to say." and such. This aide said, "I don't understand what kind of staff officer you must be to have so little information." And I don't remember what I said, perhaps it was the way I looked, but in all events, he hauled off and slapped me. Not very hard. I didn't fall down. And that concluded that interview. I was then sent back. The next day -- no, this is the same day, at 2 o'clock in the morning; so, around 10:00 A.M. the same morning we were joined by Brigadier Generals Lim and de Jesus and Lieutenant Colonel M. S. Forralva and Major Julio Umadhay, who were senior officers at this point in the march, and taken out of column and put with us, presumably for questioning.

GENERAL DONOVAN: Did anything unusual happen that day?

THE WITNESS: No, Sir, other than that.

GENERAL DONOVAN: Just a moment. We will take a five minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present, the Accused and five of his Defense Counsel are present; the Prosecution are present and we are ready to proceed.

CAPTAIN RAFF: Major Tisdelle, I believe just before recess you were at Orani. How long did you remain there?

THE WITNESS: About three days. I will read this briefly; I will try to proceed faster.

GENERAL DONOVAN: What we would like to get is any highlights that happened there, rather than details.

THE WITNESS: All right, Sir. Nothing of consequence happened the rest of the day on the 11th, but on Sunday, the 12th of April, Major General Albert M. Jones, Brigadier General Brougher, Colonel Maher, Captain Krauss who was General Jones' aide, 1st Lieutenant Perkins, his junior aide, came in. They were taken out of the line and brought up to the tienda where we were. Now, across the street, south of the MP station, was a large, vacant lot of approximately one acre, fenced in. The second day there, Sunday the 12th, I was permitted by a Japanese sergeant to go downstairs and cross the road to get some food. They previously brought up two meals.

GENERAL DONOVAN: What happened over there?

THE WITNESS: When I went across the road, I saw this area. In the area were maybe over a thousand prisoners, mostly Americans. They were so crowded that they were unable to stretch. They could sit down, gathered like this. (Indicating a position with knees pulled close to the chest and arms tight around the knees.) I recognized a good many friends in there

and I waved to them and they shouted at me to try to do something for them, and I shouted back that I would try, and one of the guards slapped me and grabbed me roughly by the arm and brought me back to the tienda.

Now, these men were kept in there for two days, during which time they were given some water -- I should mention that there was a point of vantage on the second floor, where we were located --

GENERAL DONOVAN: That is all right. Just so you saw it.

A (Continuing) -- so I could see in there. Yes, sir, I saw it. And the guard would bring a bucket of water; the Japanese guard would bring a bucket of water over there and it would be passed in, and a few men in the immediate vicinity would get water. The others would clamor, but they didn't bring sufficient to bring it over. There were numerous artesian wells in the vicinity, and such of the Filipino population in Bataan who were still there had gathered up balls of rice and banana leaves; they had parts of chickens, they had eggs and a good deal of food of various sorts, which they tried to induce the Japanese guards to allow them to give to these prisoners in the enclosure, and the guards refused to let them give it to them.

The practice there was for a column to change guard at this M. P. station. Each column would have approximately 500 in the column when the guard would change. The new guard would verify the number of men, and then they would be either moved into this field or moved down the road. They were not given water, and I did not see them given any food. Apparently, from what I could see, the guard had had instructions to expedite the movement of the men as fast as possible.

It was a two-lane road. On the left-hand side of the road our men were marching to the north. On the right-hand side of the road -- as you were -- it is just the opposite.

GENERAL DONOVAN: That is all right.

A (Continuing) Anyway, one side of the road our columns were coming up, the prisoners; on the other side of the road men and materiel were going down for the action against Bataan. These trucks were passing all the time. There was horse artillery and what looked to be cavalry, too, tanks and infantry marching on foot, and trucks loaded with soldiers going south.

The guards would turn over the prisoners to a new group of guards, and then apparently not give any instructions concerning food or watering, but they would only verify the count; then the men would be moved out.

GENERAL DONOVAN: Let me interrupt.

Will you, by a series of questions, try to bring out the highlights of the rest of your period over there? Because there are certain things that are not relevant to the particular specifications.

THE WITNESS: Yes, sir.

Q (By Captain Raff) Now, Major Tisdelle, while you were at Orani, during this period you were at Orani, did you observe any American vehicles moving north?

A Oh, yes. At one period there, on the third day I was there, the prisoners had been allowed to rest on one side of the road, or moved off the road to clear the road, and possibly 60 American trucks and passenger cars --

some driven by American soldiers with Japanese guards; others driven by Japanese -- came up the road empty other than their drivers, and disappeared to the north.

We had approximately 1000 pieces of transportation in Bataan that was runnable. The railhead was at San Fernando, Pampanga, and in order to use this captured truck transportation for military purposes it was necessary to bring those trucks from Bataan to San Fernando, Pampanga, to load them at the railhead there, and then bring men and materiel back down to Bataan. That is why the trucks --

GENERAL DONOVAN: I would like to get a point straightened out here about this transportation.

At this conference that General King had in the first place, was any definite answer ever given to him in connection with this request for transportation, as to what it would be used for, and so forth?

THE WITNESS: No, sir. The best that the General was able to induce from the senior staff officer was, "After all, we are not barbarians!" That is the way he said it.

Q (By Captain Raff) Now, after three days that I believe you said you remained at Orani, where did you go?

A The second day, General King and General Jones were taken in a passenger automobile to Camp O'Donnell. The third day, the remainder of us were taken by truck, our own little group there, a distance up the road toward San Fernando; and there a stop was made, and a Japanese higher in rank to the driver of our truck took the truck, and we marched the final four or five kilometers to San

Fernando.

There we were put again -- herded into a large building that had formerly been a cattle warehouse, a corral, and we were kept there for about three hours, when we were loaded in sugar box cars at the station in San Fernando, 100 men or more to a sugar box car. The size of the Filipino box cars is quite small. In some of the cars the door was closed, both doors were closed; in others, one door was allowed to remain open.

And we rode on those cars, leaving at about 2 o'clock in the afternoon for Capas. The sun beat on the top of the cars. We were unable to get water, and a good many of the men fainted. Practically everybody who did not have actual dysentery had diarrhea, and the mess within the cars was incredible.

When we arrived at Capas we were debarked and moved along the road, the seven kilometers to Camp O'Donnell. Along this road and at the station were, all told, possibly 200 Filipinos and Filipinas with five-gallon cans of water, bananas, eggs, chicken, rice balls wrapped in banana leaves and such, trying to give this food to the prisoners. They were very clever and they did give quite a bit to the prisoners when the guards were not looking, but whenever the guards saw a Filipino do that he would beat him up. How long he continued to beat him I don't know, because our column had to move on.

Q You finally reached O'Donnell?

A Yes, we reached O'Donnell.

Q Now, Major, I would like to go back for a moment to

the time of this meeting with General King and this Japanese staff officer. Did you observe any insignia on the vehicle, this Cadillac that came to the place of meeting?

A There was a white star cut out of tin, painted white, fastened on the front of the radiator, midway between the two headlights. I don't remember if the car bore a flag. At that time I wasn't able -- I did not know that a general officer's car carried a yellow flag and the junior officer's a blue flag, and I don't remember what color flag the car bore.

Q Now, at this conference was any information requested and given concerning the number of troops under General King on Bataan?

A I don't remember.

Q Were the Japanese who were questioning you made aware in any way of the number of troops that were about to be surrendered by General King?

A Oh, yes. When the General was questioned at Balanga, not at the surrender; but afterwards at Balanga. He told the questioning officer that we had approximately 70,000 troops on Bataan, including Filipinos, and I am not sure -- I think in addition he said that we had a population of around 100,000. There were a good many civilians who had got into Bataan before the army did, and who also had to be fed. We had been on one-quarter rations since the beginning of February --

GENERAL DONOVAN: That is all right.

CAPTAIN RAFF: Now, I would like to take up some-

thing else.

Q (By Captain Raff) Now, do you recall a time while you were still at your headquarters on Bataan of finding a leaflet dropped by the Japanese?

A Yes, sir. I have a copy of that leaflet.

Q Do you know the date on which you received it, and will you explain how you received it?

A This particular leaflet was dropped from an airplane on the 20th of March 1942, and landed in our headquarters. Numerous leaflets were dropped all over the lower portion of Bataan. This leaflet was folded up in an empty beer tin, which carried a label, asking the finder to give it to His Excellency, Major General Jonathan Wainwright, and each can had a one inch wide and two foot long white ribbon and red ribbon attached to it.

GENERAL DONOVAN: What does it say?

CAPTAIN RAFF: I would like to offer this in evidence, sir, and then photostat it for the record.

GENERAL DONOVAN: Is there objection by the Defense?

MAJOR SKEEN: No objection, but I would like to see it.

(The proposed exhibit was handed to Major Skeen.)

GENERAL DONOVAN: What exhibit is it?

CAPTAIN RAFF: Will the record show that Exhibit 421 is offered?

GENERAL DONOVAN: Exhibit 421 is accepted.

(The document above referred to was received in evidence and marked Prosecution Exhibit No. 421.)

Q (By Captain Raff) Now, would you just read the portion with reference to treatment of prisoners of war?

A Yes. "Your Excellency" . . . and down below there is a paragraph which reads:

"Accept our sincere advice and save the lives of those officers and men under your command. The International Law will be strictly adhered to by the Imperial Japanese Forces and your Excellency and those under your command will be treated accordingly."

And I think General Homma wrote that --

GENERAL DONOVAN: Just a minute. Just read that, if you please.

MAJOR SKEEN: I request that that remark be stricken.

GENERAL DONOVAN: That will be stricken from the record.

A (Continuing) It is signed, sir, "Commander-in-Chiefs of the Imperial Japanese Army and Navy."

Q (By Captain Raff) Now, just one other question concerning the march. Did you personally see at any time, while you were on the route of the march, victims of any atrocities?

A Yes, sir.

Q Will you tell us where and when you witnessed them, you saw them?

A Between Orani and San Fernando I saw bodies lying on either side of the road, with portions of the shirt and breasts and back, in some cases, bloodstained. I didn't see the men when they were killed, but they had been bayoneted or spitted upon a knife of some sort ob-

viously. These bodies were lying alongside the road.

GENERAL DONOVAN: You didn't see the atrocities yourself?

THE WITNESS: I saw the bodies, yes, sir.

GENERAL DONOVAN: But you didn't see the atrocities?

THE WITNESS: No, sir.

Q (By Captain Raff) Now, I would like to go to Camp O'Donnell for a moment. Let me ask you this: How long were you at Camp O'Donnell?

A I was there from Monday, the 13th of April, until June 1, 1942.

Q When you arrived at Camp O'Donnell did an officer address the group that you were in?

A Yes. The captain commanding the camp, whose last name was Tsuneyoshi, addressed the camp. He was a captain. He had an interpreter who looked to be a -- as you were -- who spoke very poor English.

When the captain addressed us he taled for quite a period, then would pause, and the interpreter would interpret in one or two short sentences.

GENERAL DONOVAN: What was the gist of his remarks?

THE WITNESS: The gist of his remarks, sir, was that the American forces were beneath contempt; that we were only alive because of the beneficence of the Emperor; that the war might last a hundred years, but that it would continue until the Japanese Empire had beaten us.

GENERAL DONOVAN: Who was with you?

THE WITNESS: At that time, sir? Major Wade Cothran, and numerous other prisoners.

Q (By Captain Raff) Now, I want to ask you some questions with reference to Red Cross supplies. Did you, while you were at Camp O'Donnell, at any time see an attempt made to bring into Camp O'Donnell Red Cross supplies?

A Yes, I did.

Q When was that, and tell us what happened?

A It takes a bit of time to look up the exact dates --

GENERAL DONOVAN: We don't care. If you can tell the approximate month, or during the period of time that you were there is perfectly all right.

THE WITNESS: Yes, sir. It was approximately the 18th or 19th of March.

GENERAL DONOVAN: That is all right. What year?

THE WITNESS: As you were. Of May.

GENERAL DONOVAN: What year?

THE WITNESS: 1942, sir.

GENERAL DONOVAN: That is all right.

Q (By Captain Raff) Just tell us what you saw.

A Yes. I saw a truck arrive at the gate at Cabanatuan, which -- as you were -- at Camp O'Donnell, which was loaded with foodstuffs and boxes marked with a red cross, containing medical supplies. It was driven up by Filipinos representing the Philippine Red Cross, and it was not permitted to enter the camp, but was turned around and sent back to Manila.

Q Now, while you were at Camp O'Donnell, did you personally witness the mistreatment of any prisoners of war?

A Yes, sir. While at Camp O'Donnell I was questioned on three occasions, and was offered an opportunity to come to Manila --

MAJOR SKEEN: Will the witness give the date on this?

Q (By Captain Raff) This was while you were in Camp O'Donnell?

GENERAL DONOVAN: If you will give the approximate date, month and year; that is perfectly all right.

A This would be sometime early in May of 1942. The staff officer who questioned me spoke very good English, and offered me a job at the propaganda corps in Manila.

GENERAL DONOVAN: What was the question?

CAPTAIN RAFF: The question was whether you saw the mistreatment of any prisoners of war while at Camp O'Donnell.

THE WITNESS: Yes, sir.

Q (By Captain Raff) Will you confine your remarks to that question?

A Yes. I saw numerous individuals beaten by guards for no reason that I know. Perhaps they had gone into a forbidden area, although we understood we could go anywhere within the limits of the camp. Mistreatment --

Q Now, I have enough on that. I would like to ask you this one question: While you were at Camp O'Donnell, did you ever see any high-ranking Japanese officers visit the camp?

A No high-ranking Japanese officers came to Camp O'Donnell. I never saw any.

Q Where were you taken on the 1st of June?

A To Cabanatuan, Camp No. 1.

GENERAL DONOVAN: What year?

THE WITNESS: 1st of June, 1942, sir.

Q (By Captain Raff) Were you there through the 1st of August, 1942?

A Yes, sir.

Q Now, during your stay at Cabanatuan, did you ever see any high-ranking Japanese officers visit that camp?

A Yes. On at least four occasions -- as you were -- this is not to include the period of August?

Q That is right.

A Right. I saw no Japanese officers of any rank visit that camp -- of high rank visit that camp during that period, although a captain of the Japanese Medical Corps did visit the camp during that period, went about the camp, walked through it, looked at prisoners, was invited to go over to the hospital area, but refused to go. He was wearing one of these masks and wouldn't approach prisoners very closely.

Q During the period that I have mentioned, that you were at Cabanatuan, up to the 1st of August 1942, did you personally witness any atrocities committed at Camp Cabanatuan, Camp No. 1?

A Well, I saw six men executed, but I will have to consult my diary to find out whether it was after this period that you mentioned, first of all.

Q All right. Do that, please.

A Suppose I consult the diary during the next recess?

It is very small lettering here. Ask another question now, and I will --

GENERAL DONOVAN: Have you got the dates there? Do you have any idea of whether it was during this period or not?

THE WITNESS: I think it was later, but I am not sure.

GENERAL DONOVAN: You think it was later; go on to the next question, please.

CAPTAIN RAFF: Sir, that just about concludes my questioning of this witness.

THE WITNESS: I saw one thing. It didn't come under that question, but while we were there the guards at the road used to stop the Filipino cocheros as they went by in carromatas, and make them discount to salute and such, and frequently the guard would apparently be asleep or not paying any attention. The cochero would look and then he would drive by, and the guard would shout at him and make him get down and then beat him until he could hardly walk, and let him get back up.

Also during that period some guerrillas -- we were told guerrillas had raided one of the Japanese outposts. At all events, the Japanese guards beheaded a Filipino and put his head on a fence post at the edge of the camp where the roads were, as a warning both to the prisoners and to other Filipinos.

GENERAL DONOVAN: Did you see this?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Did you see the head of the Fili-

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GENERAL DONOVAN: Did you see this?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Did you see the head of the Fili-

pino?

THE WITNESS: Yes, sir.

CAPTAIN RAFF: Now, sir, except for that one question I conclude my questioning of this witness.

GENERAL DONOVAN: We will take a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with all members of the Defense counsel. The Prosecution is present and we are ready to proceed.

Q (By Captain Raff) Now, Major, I believe the question was: From the time you arrived at Cabanatuan until the period August 1, 1942, did you witness any atrocities against American prisoners of war at Camp No. 1?

A Yes, sir. On Friday, June 26th, at Camp No. 1, Cabanatuan, six enlisted men were caught outside the fence and tied up to posts for discipline and object lessons in full view of our camp.

In the afternoon one of the men broke loose and tried to get some water. Later the next day all were shot.

CAPTAIN RAFF: You may cross examine.

CROSS EXAMINATION

Q (By Major Skeen) Major Tisdelle, what was your rank at the time of the surrender on Bataan?

A Captain, sir.

Q You were aide to General King, is that correct?

A That is correct.

Q Now, outside of the ordinary duties of an aide to a commanding general, did you have any other specific job?

A I was working in the G-2 section.

Q Now, you stated that the transportation was excepted from this order to destroy material?

A Yes, sir.

Q Do you know what the condition of that transportation

was at that time on the 8th of April, 1942?

A Yes, sir; most of it was pretty well dented up, and that sort of thing, but in running condition.

Q When was the last time that you had personally checked any of this transportation?

A I checked it by observation in driving about the roads every day up to and including the 7th of April.

Q Did you see it at all after the 7th of April?

A Yes, but I did not drive on the 8th of April. I was at headquarters all day.

Q You only saw what transportation appeared at headquarters on the 8th, is that true?

A Yes, sir.

Q Where was this transportation kept during the campaign on Bataan? I mean, was it organic transportation, or was there a motor pool?

A There was organic transportation for the various elements, and in addition there were motor pools at First and Second Corps Headquarters, at the Philippine Department Headquarters, which was the Service of Supply, and at our Headquarters; also at the Luzon force. In addition to that the Ordnance Department, at their installations, had transportation. The Quartermaster installation had transportation. There were hospital ambulances and hospital trucks. The Navy elements at Mariveles had truck transportation.

Q Where were all these various motor pools located; can you give me the location of some?

A They would be located in the woods in the immedi ate vicinity of the various C.P.'s.

Q And where was your C.P. located?

A As I said, I believe at Kilometer Post 157, but I am a little obscure on that.

Q Near Mariveles?

A Yes.

Q Now, what was the exact time, as near as you can recall, when General King held this staff meeting at which he informed you that he was going to surrender?

A Between one and two o'clock -- as you were -- between one and four o'clock on the afternoon of the 8th of April, 1942.

Q How long after that meeting was it before Colonel Williams and Major Marshal were sent forward?

A At two o'clock in the morning of the 9th of April. That would be about --

GENERAL DONOVAN: That is all right.

Q (By Major Skeen) Now, at this meeting between 1:00 and 4:00 on the 8th, was that the time at which the orders were issued to destroy all equipment?

A Yes, sir.

Q Do you know how those orders were transmitted?

A As you were -- for the record -- orders to destroy all equipment excepting foodstuffs, gasoline, and transportation.

Q Do you know how those orders were transmitted to the troops?

A Yes. The commanding officers of the various units were present.

Q Well, now, will you list the officers who were present

at this staff meeting, not by names, necessarily, but the units to which they belonged?

A Commanding general, Second Corps; commanding general, First Corps -- maybe his chief-of-staff, I am not sure, but he was represented, however; the commanding general of the Provisional Anti-Aircraft Brigade; commanding general of the Provisional Tank Group; commanding officers -- as you were -- staff officers who had charge of anything, such as the Chief of Engineers; also the Luzon Force Quartermaster, and such. Anybody concerned -- the Ordnance officer.

Q Were any division commanders present?

A I don't remember.

Q Now, the Japanese officer that you first met when you went with General King to Rodriguez Park, do you know who that was?

A No, I never learned his name. He was a major general commanding a division.

Q Now, what time did you leave Mariveles to go to Rodriguez Park?

A It was just before daybreak; by that I mean a half-hour before daybreak. There were signs of gray in the sky. I think around 5:30.

Q Tell me again the time that you arrived.

A About eight o'clock in the morning. It was fully daylight, and I didn't know about the time, but it was about eight o'clock in the morning. The distance was not great, but we were impeded by the strafing, that is why it took so long.

Q You stated that this interpreter that arrived spoke

with a German accent, spoke English with a German accent. Will you describe that interpreter as nearly as you can?

A Perhaps I can best describe him by pointing to the photograph. That is his picture.

Q He appears in that picture?

A Yes, sir.

Q He is which one?

A Let me see the photograph, please.

Q Can you indicate the one?

A Yes; the one on the far right-hand side (indicating).

Q Do you know whether he was a civilian or an officer in the Army?

A He was an officer, and I am not certain of his rank. I believe he was a captain; I am not positive of that. He had only one gold stripe on the red field with the gold beadings, and I think he had three stars -- maybe only two, for I am not sure. He might have been a first lieutenant.

Q Now, at this meeting, after the Japanese staff officer arrived was there any discussion of the physical condition of the American troops?

A No, sir.

Q The Japanese then were not told that the American troops were in bad physical condition?

A No, sir.

Q Was there anything in writing as a result of this meeting, any of the terms of surrender written down or signed by anyone?

A There was a Japanese clerk, military clerk, in uniform; I believe a noncommissioned officer over to one side, who

made notes.

Q Well, what I am getting at is: There was no official document?

A No official document which was signed, no.

Q At the time of this meeting at Rodriguez Park were the number of American troops that were to surrender mentioned?

A Not at the time of the meeting at Rodriguez Park. Later, at the conference at Balanga.

Q Did any question arise as to whether all of the American troops on Bataan were being surrendered by General King?

A It didn't arise in that respect. The general, however, made it quite well known that he was surrendering all the troops on Bataan, but had nothing to do with other troops on Corregidor or southern islands, or any place but Bataan.

Q Do you know whether the Japanese at any time during the meeting appeared to think that General King was surrendering only himself and his party that was with him?

A Oh, no. They knew positively.

Q Will you explain in a little bit of detail just exactly how this meeting ended? I mean, who said what and who left first, and so forth?

A At Lamao?

Q At Rodriguez Park.

A All right. We turned over our pistols. They then accepted the pistols in lieu of the general's saber.

Q Was anything said by the Japanese at that time when they accepted your arms?

A If there was I do not remember.

Q All right, proceed.

A So then, as the general put his pistol on the table, which represented the thing, and the rest of us put ours on the table, this senior staff officer who conducted the protocol there, so to speak, stood up, whereupon General King also arose. The aide, who had acted as an interpreter, and I, were already standing, and the other Americans who were there were standing to one side.

Without saying anything further, then, the senior Japanese officer turned to the aide and indicated that they were departing, and he walked off, followed by the aide.

They got into Mr. Elizalde's car and drove off.

Q Now, was there any discussion as to the effective time of this surrender during this meeting?

A The general, as I have mentioned, had asked for a 12-hour armistice to go back to headquarters, and those other things that I mentioned. However, when this was repeated to the chief-of-staff he spoke abruptly to the aide, who turned again and said, "The surrender must be unconditional."

So General King, although he had apprized the staff officer of transportation and so on, actually got no promise from the staff officer other than the way he drew himself up, this aide, the way he drew himself up, as though he were offended at the thought that it could be otherwise, and said, "We are not barbarians."

Q Then there was no effective time for the surrender, that you can recall?

A No, sir; I would say that it was at the moment the pistols were put on the table.

Q Who went back to Mariveles after this meeting?

A Colonel Victor Collier, chief-of-staff, and Major Marshal Hurt of the special staff, went back to our headquarters.

Q Two American officers only?

A Yes; they had an American soldier driver.

Q Were any instructions given to those two officers that you know of prior to their return to Mariveles?

A Yes. Not by the Japanese, and it was not precisely instructions, but I will explain the way it was.

The general was under the impression that we would all be permitted to return; that he would be permitted to return and organize this thing and send out couriers to the forward echelons.

As I pointed out, as it turned out we were taken to Balanga, and Colonel Collier and Major Hurt were allowed to go back.

Now, during this short period, while this senior staff officer and the aide were going over to the car together, the Japanese guards were standing about us. We waited, indicating, but waited until they would permit us to go back into our jeeps and permit us to leave. That was a short period of time. But during that period of time the general and Colonel Williams and Colonel Collier and Major Hurt did discuss the modus operandi, so to speak, of what they were going to do.

Now, I do not know exactly what was said at that time,

because one of the Japanese guards got interested in my first-aid kit which I wore on my belt, and I opened it to show him, and he sprang away. He thought it was a grenade of some sort. And there was some chit-chat about this thing, and I thought they were pretty griped because I hadn't turned in all my arms. I was kind of involved there for awhile, and I did not learn what conversation did take place between the general and Colonel Collier, and so on.

Q Now, at what time, as nearly as you can fix it, did Colonel Williams and Major Hurt leave to go back to Mariveles?

A It was Colonel Collier and Major Hurt.

Q All right.

A We got there at eight o'clock in the morning and we waited until 11:00, I remember that, and then the staff officers came, and I think that we were there about an hour, so it would be about 12:00, and then the staff officers left, and right after that they went back to our headquarters, so between eleven o'clock in the morning and one o'clock in the afternoon it would be.

Q Now, you left at the same time to go to Balanga, is that correct?

A Yes, sir.

Q Who was the first Japanese officer that you talked to upon arrival at Balanga?

A An officer whom I would call a Military Intelligence officer, together with this same aide who acted as interpreter. We met the two together under the trees in Balanga, at the same time. They came out to speak to us, and they are both in this photograph.

Q At the time of that meeting were the Japanese told of the physical condition of the American troops?

A I don't think so. I do not remember, but it was at that meeting that they were told of the approximate number of American troops that we had, 70,000 troops, and about 100,000 population, including the civilians. We never did know how many civilians there were in Bataan that got in ahead of the troops, but it was approximately 100,000.

Q At the time the Japanese were informed of this number of prisoners did they make any remark to indicate whether they knew how many there were?

A No, they did not.

MAJOR SKEEN: I have no further questions with respect to the topic I covered, but Captain Ott would like to question this witness on the Death March.

GENERAL DONOVAN: All right.

Q (By Captain Ott) Major, were you stationed in Manila before you went to Bataan?

GENERAL DONOVAN: We didn't hear that.

Q (By Captain Ott) Major, were you stationed in Manila before you went to Bataan?

A Yes, sir; from the 28th of November, 1941, until the 24th of December, 1941, when General MacArthur took the field and moved his headquarters to Corregidor. I was stationed in Manila, but was not there most of the time, excepting at night. I was chasing around on one mission or another during the day.

Q Did all the troops under General MacArthur leave Manila on the 24th, or any other date that you know of?

A They all left on the 24th, and it may be, however, that some did not leave until the 25th, because they were loading quartermaster stores and such in some places, and probably didn't get finished.

Q Do you know whether any supplies from Manila were taken out after the 25th?

A I don't know of any, no, sir.

Q I am speaking of the 25th of December.

A I don't know of any supplies that were taken out after that.

Q You spoke of the condition of the American and Filipino soldiers at the time of the surrender. Did you visit any of the hospitals about that time?

A Yes, sir.

Q Would you describe the condition of the hospital?

A Yes, sir. The actual building at Hospital No. 1 and such were mostly used for operating rooms and stores and supplies and for some of the worst cases, and that sort of thing. Actually, there was so much malaria and other diseases, debilities, I will say, that a great many of the patients were out in the jungles surrounding the buildings, when the Japanese got artillery interdiction that far down on the hospital area --

Q Well, Major, that was the Base Hospital that you spoke of?

A Yes, sir; General Hospital.

Q Can you state that only the most seriously ill were able to get into the hospital? Is that it?

A That is substantially correct.

GENERAL DONOVAN: That is the way we heard it.

Q (By Captain Ott) What other diseases than malaria did the soldiers have?

A There was a good deal of dysentery and beriberi, pelagra, and I believe some scurvy. I have got figures which I can give you.

Q Would you refer to those figures?

A Yes, sir. This was made up after we became prisoners. The report of the surgeon, Luzon Force, indicates:

"That the defensive combat efficiency of the Luzon Force had been reduced more than 75 percent during the final weeks. This was due to malnutrition, avitaminosis, malaria, and intestinal infections and infestations.

"Those men on a duty status were incapable of any long-sustained physical effort. Malnutrition had made troops particularly vulnerable to disease.

"By March 1, 1942, individuals had used up their reserve and they were deteriorating rapidly in the physical sense. By April 1st the combat efficiency was rapidly approaching its zero point.

"The half-ration was inaugurated 6 January 1942, in terms of energy units the ration averaged 2,000 calories during January. 1,500 calories during February. And 1,000 calories during March.

"The nature of the terrain in which the defense of Bataan was conducted required, conservatively estimated, an energy output from 3,500 to 4,000 calories per man per day. By March 1st serious muscle wasting was evidenced.

"The ration was deficient in Vitamins A, B, C, and D,

and beriberi became universal. This, in combination with malnutrition, was the cause of thousands of hospitalizations. Bataan is a malarial infested region. The supply of quinine was inadequate for prophylaxis, and by March 1st there was 500 daily admissions to hospitals, and by April 1st this had reached the rate of 1,000 cases daily.

"Serious shortage of drugs for treatment of all types of dysentery and hookworm was existent during the Bataan campaign. Convalescence from all diseases was slow due to the inadequate diet and blood-building drugs. At the time of the surrender there were over 12,000 patients in rear area hospitals.

"The ailment of neuro-fatigue became prevalent due to constant enemy bombing, shelling, and the absence of any counter-activity, particularly in the air, on the part of our forces. During the early stages of the defense it was noted that Philippine Army stragglers in rear areas kept their arms and equipment and returned to the front.

"However, during the later stages of the defense, stragglers carried neither arms nor equipment, and it was impossible to return them to the front" --

GENERAL DONOVAN: What are you reading from, please?

THE WITNESS: It is in connection with the operations report.

GENERAL DONOVAN: Whose report is that?

THE WITNESS: Sir?

GENERAL DONOVAN: Whose report is that?

THE WITNESS: It is a report that was made up by the staff officers for General King, sir.

Q You spoke of shortages of medicines. Will you state, if you know, what shortages existed?

A Pardon, sir.

Q You spoke of shortages of medicines. Will you state, if you know, what shortages existed, and what particular medicines and so forth?

A We were short of quinine and I understood we were short of everything. I couldn't tell you what drugs; I don't know.

Q Isn't it a fact that only the most serious cases could obtain quinine in the latter days prior to surrender?

GENERAL DONOVAN: You might ask him is it a fact, or what do you know about this? Just ask the questions a little differently.

Q (By Captain Ott) Do you know whether it is a fact that quinine was given to only the most serious cases in the latter days just prior to the surrender at Bataan?

A I believe so; I am not certain. I believe so; that is what I understood.

Q Now, what type of cases were there that were treated outside the hospital?

A Practically every unit the size of a regiment or higher had its own little clearing station, and due to the fact that the hospitals were inadequate there were these sub-hospital areas all over Bataan.

Q Well, would you describe the nature of the diseases that were treated outside of the hospitals?

A Malaria and unimportant wounds. As far as diseases were concerned, outside of malaria, I don't know. And as

far as beri-beri was concerned the only treatment that we required was food, and we didn't have that.

Q Now, you spoke of a thousand vehicles at the time of the surrender. What vehicles did that include? Did it include jeeps and so forth? Could you give us a breakdown of that?

A It would include such four by four trucks as we had, civilian trucks, command cars, jeeps and a large number of passenger cars which individuals had used to convey them to Bataan, just picked them up in Manila in one place or another in order to get to Bataan. There were lots of various staff officers who tied up on one thing or another on that last move just commandeered such cars in order to keep the Japanese from taking them within the city and drove them into Bataan.

Q As I understand it, that thousand you mentioned was your estimate of the number of cars available at the time of surrender?

A I would say it was a very conservative estimate.

Q Do you know whether or not any of these vehicles were destroyed prior to the surrender or shortly thereafter by Americans and Filipinos?

A Yes, there were. There were occasions where word of what was going on did not reach some organizations and they did not destroy their vehicles. They were in the minority, but there were such cases; I heard of it afterwards.

Q Do you know whether any gasoline was destroyed at that time?

A I don't know, but I heard there was. It is just hearsay. It wasn't supposed to have been done, but I have heard that there was some. The gasoline was over a pretty wide area in little dumps here and there, so there was sufficient gasoline available around there because the trucks were afterwards brought out.

Q I was going to ask you how many trucks did you see that were American trucks and Filipino trucks on the road from Mariveles north to San Fernando?

A During the march?

Q During the march.

A As I preceded a portion of the march it would be in my case from Orani to San Fernando; I was up ahead.

Q What did you see from Orani?

A I saw from 50 to 60 trucks, some passenger cars and command cars. I didn't see any jeeps at that time.

Q Now, one word about the surrender. As I understand, it was mutually understood that General King was surrendering the entire army under his command, is that right?

A Yes, sir.

Q Now, you spoke of a speech that was delivered by the Japanese commandant at Camp O'Donnell. Did you ever hear him repeat that speech?

A Yes, he repeated it a number of times each day as men came in. Then one day he called General King over to his headquarters and through an interpreter announced that henceforth the General only would be responsible for what went on. If anybody escaped the

General would be shot or beheaded, he would be killed; and that henceforth the General, General King that is, was to give Captain Tsuneyoshi's instructions to our men. And thereafter when the prisoners came in he made a speech, but a very short one, which mostly said that they would obey General King's orders.

Q I see. That speech that you heard repeated was substantially as you recited it here this morning?

A Yes, sir.

Q You have nothing further to add as to what was said other than what you stated this morning?

A No, sir. I don't know what phrases the man actually said. I don't think anyone else knows what he said. I just feel certain that that interpreter didn't interpret a good deal of what he said. He certainly did interpret a lot of these threats and that sort of thing.

Q As a matter of fact there were prisoners that did escape from Camp O'Donnell?

A I never knew of that. All I know is there were some officers, including a particularly good friend of mine.

Q What I wanted to ask was: Were there prisoners that did escape from Camp O'Donnell?

GENERAL DONOVAN: The answer was no, he didn't know.

Q (By Captain Ott) Was there a change in the camp commandant while you were at Camp O'Donnell?

A There was a very great change.

GENERAL DONOVAN: Prior to August 5, 1942.

CAPTAIN OTT: Prior to August 5, 1942.

THE WITNESS: Oh, yes, most everyone got in camp

by the 19th or 20th of April. I have all the figures down.

GENERAL DONOVAN: We don't want any more figures. The question was was there a change in the commandant?

THE WITNESS: Yes, sir, there was a change for the better.

Q (By Captain Ott) When did that occur?

A It occurred about a week after they had put General King in command of the camp, about 15 days after we got there.

Q When you say he, you refer to the new commandant?

A What is that?

Q You said when "he" put General King --

A I am referring to Captain Tsuneyoshi.

GENERAL DONOVAN: Let's start again. You were referring to a change in Japanese commandants?

CAPTAIN OTT: Yes, I was.

GENERAL DONOVAN: Was that a change in Japanese commandants?

THE WITNESS: To the best of my knowledge there was none. The same Captain Tsuneyoshi was there at the time I left on June 1, 1942. He was still in command so far as I know.

Q (By Captain Ott) Would you state what change was made for the better after General King assumed command directly over the American soldiers?

A Yes, to give him credit, he said that he was very sorry about the conditions and that he had written some letters to headquarters requesting certain supplies and

so on, but he was so sorry he was only a captain, and a captain didn't get much attention from his headquarters. And one night he personally during a rain - it was raining like blazes - got up around one o'clock in the morning, put on a raincoat, came over with a lantern and called upon General King and then went through our hospital, and left the lantern in the hospital and walked back in the rain.

Q What was the purpose of that trip, do you know?

A Presumably to see if people were getting on all right. I have never been able to understand the Japanese, they are completely unstable.

GENERAL DONOVAN: Let's not get too far off the subject.

THE WITNESS: Yes, sir.

Q (By Captain Ott) You spoke of not recalling the visiting of any high-ranking officers. May I have your idea as to what is a high-ranking Japanese officer?

A Yes, sir, a full colonel and above.

Q Now, on the trip that you took from Orani to San Fernando you spoke of seeing some dead bodies along the road. Would you state how many you saw?

A As nearly as I can, approximately four.

Q Approximately four?

A Yes, sir.

Q You arrived at San Fernando at what time -- date?

A About the 14th. I can give you the actual figure, of course.

Q You say you kept some records while you were at

camp and the majority of the prisoners had arrived at a certain date. Would you repeat that date again?

A Yes, they arrived by the 20th.

Q 20th of April?

A Yes.

Q Were there very many arrived subsequest to that date?

A Oh, less than 10 or 15 a day. Prior to that 500 and 1000 they were coming in.

CAPTAIN OTT: Nothing further. I might say that some of the Defense counsel think the entire surrender leaflet should be read which was introduced in evidence.

GENERAL DONOVAN: Some of the counself for the Defense think the entire surrender leaflet should be read which was introduced in evidence.

CAPTAIN RAFF: We have no objection to that being read.

THE WITNESS: It is addressed to His Excellency, Major General Jonathan Wainwright, Commander-in-Chief of the United States Forces in the Philippines. March 19, 1942.

"Your Excellency,

"We have the honour to address you in accordance with the humanitarian principles of 'Bushido', the code of the Japanese warrior.

"It will be recalled that, some time ago, a note advising honourable surrender was sent to the Commander-in-Chief of your fighting forces. To this, no reply has, as yet, been received.

"Since our arrival in the Philippines with the Imperial Japanese Expeditionary Forces, already three

months have elapsed, during which, despite the defeat of your allies, Britain and the Netherlands East Indies and in the face of innumerable difficulties, the American and Filipino forces under your command have fought with much gallantry.

"We are, however, now in a position to state that with men and supplies which surpass, both numerically and qualitatively, those under your leadership, we are entirely free, either to attack and put to rout your forces or to wait for the inevitable starvation of your troops within the narrow confines of the Bataan Peninsula.

"Your Excellency must be well aware of the future prospects of the Filipino-American forces under your command. To waste the valuable lives of these men in an utterly meaningless and hopeless struggle would be directly opposed to the principles of humanity and, furthermore, such a course would sully the honour of a fighting man.

"Your Excellency, you have already fought to the best of your ability. What dishonour is there in avoiding needless bloodshed? What disgrace is there in following the defenders of Hongkong, Singapore and the Netherlands East Indies in the acceptance of honourable defeat? Your Excellency, your duty has been performed. Accept our sincere advice and save the lives of those officers and men under your command. The International Law will be strictly adhered to by the Imperial Japanese Forces and your Excellency and those under your command will be treated accordingly. The joe and happiness of those whose lives will be saved and the delight and relief of their dear

ones and families would be beyond the expression of words. We call upon you to reconsider this proposition with due thought.

"If a reply to this advisory note is not received from Your Excellency through a special messenger by noon of March 22nd, 1942, we shall consider ourselves at liberty to take any action whatsoever.

"Commander-in-Chiefs of the Imperial Japanese Army and Navy."

CAPTAIN OTT: Nothing further, sir.

CAPTAIN RAFF: Nothing further.

GENERAL DONOVAN: Captain Ott asked a question that I would like to be sure of the answer to. He said that he understood that you said it was mutually understood that General King was surrendering his army and you said, "Yes."

THE WITNESS: Yes, sir.

GENERAL DONOVAN: Was there ever any doubt in your mind when you left there that the Japanese had accepted the surrender?

A No doubt whatsoever.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) No doubt whatsoever?

A No, sir. We were taken immediately to Balanga and questioned on that same subject, so it was recognized.

Q (By General Trudeau) Major Tisdelle, in order to clarify the location of your headquarters, I would like to ask you: In your testimony you stated that your command post was kilometer post 157 which is on the Ano River north

of Cabcabe, and Little Baguio is kilometer post 168; where were your headquarters?

A 169, sir.

Q (By General Trudeau) Between there and Mariveles Cutoff, is that correct?

A Yes, sir.

Q The witnesses have heretofore testified the surrender of the unit took place at 4 A. M. the 9th of April, and it would be effective at 8 A. M., 9 April. As I understand your conference was during the mid-morning of 9 April, and General King waited until approximately midnight to go back and issue the instructions. Was there a discrepancy in days there?

A Apparently, sir. You said some others in giving testimony said that?

Q The witnesses said that at Mariveles airfield it started on 9 April, early morning.

A That is possible because during the time that we were waiting for the Japanese party to arrive, while we were at Cabcaben, the Japanese forces had continued to move south, and that was one of the reasons why General King made such a point of their halting at that time to allow forward units to be notified. They were not halted. They continued to move south, and it was quite possible that they may have encountered American troops around Cabcaben who surrendered to them, knowing that the General had gone forward.

Q In regard to the hospitals, the testimony has indicated that only the most serious cases could be taken care

of and inferred the Americans were not taking care of the cases. What was the size of hospital No. 1 and No. 2?

A No. 1 would be larger, sir, but to clarify that question I think it should be understood that those in the jungle and not in the actual buildings were not being taken care of. They were not taken care of but only the very serious that required quick attention who were on the inside around the offices and laboratories and pharmacy and doctors, so they could be reached quickly inside instead of having to go out in the jungle to get them. Also there were lights in the hospital.

Q Another inference was that we had no medical supplies or food. The fact that you were short on rations did not infer that there were not more in your depot.

A. There was one-half rations of food left for everyone on Bataan.

Q Statements have been made by witnesses that our prisoners at O'Donnell were instructed that they were not to be treated as prisoners of war but captives.

A That is right.

Q Do you know exactly what the Japanese inferred by that statement?

A I don't know what they inferred. We were not to be treated as prisoners of war. Now, the construction that they placed upon "captives" and "prisoners of war", I don't know, other than that if we were prisoners of war presumably they would observe the Geneva Convention.

GENERAL TRUDEAU: Thank you very much.

Q (By General Valdes) Major, were you all of the time

with General King from the time of surrender up until the time you left O'Donnell?

A No, sir. General King and other general officers and full colonels were moved from Camp O'Donnell to the Philippine medical cadre camp at Tarlac on the 10th of May, 1942.

Q During the time that you were with General King do you know whether General King was subjected to any ill treatment or maltreatment?

A To the best of my knowledge he was not.

GENERAL VALDES: That is all.

Q (By General Gard) One question: Major, could you tell me whether the United States forces were directed to lay down their arms and cease resistance by orders from General King's headquarters?

A Yes, sir.

Q What time was that order issued?

A I don't know, sir.

Q Major Tisdelle, you have stated that during the period just before the period 25 December, 1941, you were stationed in Manila. What duty were you on?

A At that time I was working in the artillery section, USAFFE Headquarters, and my function was to drive about in connection with coordinating the induction of Philippine Army personnel into artillery units then being formed.

Q (By General McNaught) As late as the 20th of December?

A No, sir; as late as the 14th of December.

Q Around the 20th of December were you fairly frequently in USAFFE Headquarters?

A Yes, sir.

Q Around December 24th or 25th did you hear anything about Manila going to be declared an open city?

A Yes, sir.

Q Were you there at the time it was so declared?

A Yes, sir.

Q Do you know what method was used to transmit that information to the opposing forces?

A I don't know. I heard radio, and also the Manila Tribune and other newspapers carried headlines to that effect.

Q That is the only method that you know of?

A Yes, sir.

Q You have testified that when General King took command of the camp that conditions improved somewhat at O'Donnell.

A That is when he took charge as being senior American officer. I did not mean to give that impression. Conditions did not improve.

Q Conditions throughout the camp did not improve?

A The General made recommendations, but the conditions did not improve.

Q Conditions remained about the same?

A Yes.

Q (By General Donovan) Did General King during the time that you were with him ever see General Homma?

A No, sir.

GENERAL DONOVAN: Any further questions?

CAPTAIN RAFF: Nothing.

GENERAL DONOVAN: Anything further?

MAJOR SKEEN: Nothing further, sir.

GENERAL DONOVAN: We will recess until 1330.

(Whereupon, at 1130 hours a recess was taken until 1330 hours, 21 January 1946.)

A F T E R N O O N S E S S I O N

(The trial was resumed, pursuant to recess at 1330 hours, 21 January 1946.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with all members of his Defense Staff, and the Prosecution is present and ready to proceed.

GENERAL DONOVAN: You may proceed.

JOHN R. PUGH

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Schwartz) Will you state your name, please?

A John R. Pugh.

Q Your rank and organization?

A Colonel, Cavalary.

Q In May, 1942, were you stationed in the Philippines?

A I was.

Q Where were you stationed?

A I was stationed at Corregidor, Philippine Islands.

Q In what capacity were you serving at that time?

A I was serving in the capacity of Aide de Camp to the Commanding General, then Lieutenant General, and now full General J. M. Wainwright, and after departure of General Willoughby and Colonel P. D. Wood, I served for a short time in the capacity of G-2.

Q On what date, approximately, did you arrive in Corregidor, or on Corregidor?

A I arrived in Corregidor on March 21st, 1942.

Q Was General Wainwright with you at that time?

A I accompanied General Wainwright from Bataan to Corregidor, after the departure of General MacArthur.

Q Now, Colonel Pugh, would you relate the situation on Corregidor must prior, a few days prior to the 6th of May, 1942?

A Corregidor at that time was a nightmare which I have tried to forget for four years, which I now realize I shall never forget. At that time, to go back a little further, on the occasion of the Japanese Emperor's birthday, April 29th, the tempo of planes which had been bombing us constantly and the tempo of the artillery which had also been shelling us day and night since the fall of Bataan, increased on April 29th and continued to increase until May 6th, to such an extent that life for anyone there without a hole of some kind was impossible.

On May 6th, that tragic day, our beach defenses had been pulverized. The Japanese artillery had shelled the southern shores of Corregidor to such an extent that it was impossible for anyone to remain on the beaches. They had thrown literally tons of ammunition into Corregidor every day and had worked from west to east and back, sparing not one small bit of beach defense, so that, in addition to our pillboxes being pulverized, the wire which we had in the water to prevent enemy landing craft from coming in, was also destroyed.

The bombing and shelling had increased to such an extent that our anti-aircraft guns had all been knocked out -- I think maybe we had one or two -- but Japanese planes were flying at altitudes of 500 to 1,000 feet above the Island.

In one case, I remember a 12-inch mortar battery struck by 240 millimeter shells. I think many of the shells were duds, but there were enough to take one 12-inch mortar and throw it a distance of approximately a quarter of a mile up on what had been the little golf links which we had there.

Q Will you described what happened, Colonel, on the 5th of May, the night of the 5th?

A On the night of 5-6 May, I think at approximately 10:30 P.M., the Japanese forces which, I believe, had embarked from the vicinity of Cabcaben -- I say that because we had broken up a group of landing barges three days before -- landed in the vicinity of what is called at Corregidor "Cavalry Point." I believe that Japanese -- I am not sure of this; there is a certain amount of fog in everything that happened that night -- I believe they also attached a part of the Island which is called "James Ravine," which is on the southern part of the Island on that part which we called "Topside." I believe that some of those Japanese landed there, but not as many as those who landed at "Cavalry Point."

Q Colonel, on the night of 5 May, were you then acting G-2 on the staff of General Wainwright?

A I was.

Q As such, did you get reports on the military situation as it relates to the landings by the Japanese troops?

A I did.

Q Now, on the morning of 6 May, did anything occur with regard to a meeting between General Wainwright and any members of his staff?

A On the morning of May 6th, I believe at approximately somewhere between 9:00 and 10 o'clock -- it may have been 9:00, it may have been 9:30 -- the Japanese forces which had penetrated south after they had landed at Cavalry Point, turned west and worked to a point -- to a hill which is called "Denver Hill." I believe Denver Hill is approximately one-half mile east of the east entrance of Malinta Tunnel. At that time 46 or 48 of our 75 millimeter guns, which were not all of our mobile guns -- we had some 155's -- but the bulk of our mobile guns had been knocked out, and Japanese tanks appeared along with Japanese soldiers carrying flame-throwers.

Q Keep your voice up a little, Colonel.

A At that time due to the presence of these tanks, which we had no weapons to combat, also due to the presence of these flame-throwers, also due to the fact that we had between 1,000 and 1500 wounded in Malinta Tunnel, also due to the fact that we had between 50 and 75 nurses, both American and Filipina, General Wainwright conferred with his Chief of Staff, General Beebe, and the Commander of Corregidor, Major General Moore, and decided that the result would be inevitable, and it would be far better to keep the tanks and flamethrowers out of the tunnel.

I might add to that, to go back a little bit, that at approximately 4:00 A. M. on the morning of May 6th,

General Wainwright had received a telegram -- or radiogram, I should say, from Mr. Roosevelt, saying many things, but ending by telling the General that he had absolute confidence in any decision which he made with regard to Corregidor. And I believe that radiogram, along with the advice of both General Moore and General Beebe, had a certain amount to do with his decision at that time.

Q And what was that decision, Colonel?

A His decision was to surrender the four fortified islands: Corregidor, Fort Hughes, Fort Drum and the Island which is called Carabao Island.

Q Had General Wainwright been Commander-in-Chief of all American Forces in the Philippine Islands prior to the 6th of May?

A General Wainwright had been Supreme Commander -- not immediately after General MacArthur left, but very soon after General MacArthur left on March 11th and 12th. The War Department -- I believe it was the War Department which put him in command of all of the forces in the Philippines.

Q How was the offer to surrender communicated to the Japanese?

A At approximately 10:15 on May 6th -- I say 10:15; it may have been 10 o'clock, it may have been 10:30 --

Q 1942?

A 1942. -- General Wainwright used a little set, which we called "The Voice of Freedom," through General Beebe, and General Beebe made between that hour and about 12:30 P.M., I believe -- I think he broadcast every one half hour -- he made four broadcasts, from approximately 10:30 on. I think

the last broadcast was after 12 o'clock.

General Wainwright, in the meantime, had ordered that a white flag be erected -- that the American flag, rather, be lowered, and a white flag be raised on the flagpole at 12 o'clock. He also ordered that all arms larger than .45 caliber be destroyed and that no shots be fired at the Japanese after 12:00 Noon.

Q Colonel, at that time was General Wainwright in command of all the forces in the Philippines?

A At 12 o'clock?

Q Yes.

A He was not.

Q What had previously occurred with reference to his command?

A Anticipating the fact that he wished only to surrender the four fortified islands, he had sent three radiograms; one to the President, one to General MacArthur, and a third to General Sharp,who commanded the Mindanao-Visayan force.

Q What was the contents or the gist of those messages?

A To the first named, they were simply messages of farewell and good will. To General Sharp he stated that General Sharp no longer came under his command and would report to General MacArthur for instructions.

Q Colonel, as far as you know, were any of the broadcasts acknowledged directly by the Japanese?

A They were not.

Q Did the white flag go up on the mast at noon on the 6th of May, 1942?

A It did. The white flag was erected by a member of

Colonel Paul B. Bunker's command.

Q Did you see that white flag?

A I did.

Q Now, tell us what occurred after noon on 6 May, 1942, with reference to this furtherance of the offer to surrender?

A After the broadcast had been made and after the white flag had been raised, there was no let up in Japanese bombings or shellings; and at approximately 1:00 P.M. General Wainwright sent a marine officer, whose name I believe was Manning, to contact the senior officer commanding the forces which were then in the vicinity of Denver Hill.

Q And what occurred?

A Manning came back a short time later and informed General Wainwright that the Japanese officer -- the senior Japanese officer in the vicinity of Denver Hill would not deal with anyone but him. And so General Wainwright, General Moore, Major Dooley, Major Brown and I, went to Denver Hill -- a distance of, as I say, I think approximately half a mile -- and contacted the senior officer there.

Q About what time was that, Colonel?

A I believe that was about 2 o'clock. As I say, there had been a certain lull in the artillery at that time. Otherwise, we would not have been able to get through.

GENERAL DONOVAN: I would like to get one point straightened out: Is Denver Hill approximately halfway between Malinta Hill and the small landing strip?

THE WITNESS: I think it is a little bit this way (indicating), Sir.

GENERAL DONOVAN: That is all right.

Q (By Lieutenant Schwartz) Now, when, after 12:00 Noon on 6 May, 1942, did the Japanese bomb or shell Corregidor?

A In order to tell you that, it depends upon what kind of shelling you mean. When we went up to Denver Hill, the Japanese forces on Denver Hill had their artillery in front of their infantry. There were four pieces there which fired over our heads as we went up there, firing at the Malinta Tunnel.

Q Did this take place after 12:00 Noon?

A That took place after 12:00 Noon.

Q About what time?

A I should say about 2 o'clock. There was also a lot of machine gun fire on both our flanks, but we were not struck by it. There were also planes flying overhead, and while we were there, while we were walking to Denver Hill, Fort Hughes, the adjoining Island, was bombed by three Japanese glide bombers.

Q What type of planes were they that were flying over Corregidor during that time?

A Most of the planes -- I never saw any Japanese planes over Corregidor, except that two-motored medium bomber which they had. In Bataan there were some lighter ships, but those on Corregidor were the two-motored bombers.

Q How many of those two-motored bombers were there in action over Corregidor after 12:00 Noon on 6 May?

A Prior to 6 May they had to stay up pretty high, and they used to come in larger formations. But on that parti-

cular day, they were flying individually in most cases. I should say there might have been two or three over, and then two or three more. They flew usually in groups of three and large formations, but on that particular day they were just flying in every direction, single planes.

Q Was this all day, or was it in the morning, or was it in the afternoon of the 6th?

A All day.

Q Did you observe that the Japanese had changed their tactics as far as aerial bombing was concerned, on the 6th of May?

A They had, because we had no anti-aircraft fire.

Q Did you observe these planes bombing, were there bombs landing on Corregidor?

A I did.

Q After noon of May 6th?

A Many times after noon of May 6th.

Q Now, with reference to artillery fire from Bataan, was there any shelling of Corregidor after noon of May 6th?

A There was.

Q Will you relate the time and the intensity?

A Approximately, I should say about 3 o'clock, on that date, after some talk with the Japanese senior officer at Denver Hill, General Wainwright had requested that he meet General Homma, and as we started back a very large barrage of artillery coming from Bataan struck that area between Denver Hill and the east end of Malinta Tunnel. That barrage did not extend all the way to Denver Hill. I should say, between Denver Hill and that entrance of the tunnel

where there is a car stop -- it extended from approximately that car stop to the entrance of Malinta Tunnel.

Q Right here? (Indicating on map.)

A Yes. Here is Denver Hill up in here (indicating). It was in that area there (indicating).

Q Denver Hill, Colonel, is just south of Infantry Point, or near there?

A Approximately

Q And Malinta Tunnel is at the point marked "Malinta Hill?"

A Right in here (indicating).

Q How long did that barrage continue that you have just described?

A There was a very heavy concentration, but it didn't last for a long length of time; I should say about 15 minutes. I happened to come back through it, and how I got through it I don't know, but I did; and when I did finally get through it, it suddenly stopped.

Q Can you state what caliber guns the Japs were firing during that barrage?

A I think in that particular barrage they were firing light artillery. It sounded like -- those which went over me sounded more like -- well, 77's, or the equivalent of our 75. They have the whistle; they didn't sound like 240's. If they had been 240's, I don't think I would have gotten through it.

Q Did they fire any 240's on the 6th of May, after noon?

A I couldn't state whether they fired any 240's or not. I saw Corregidor bombed and shelled from a distance. I left

Corregidor shortly after that to take a boat from the south dock around the tail end of the Island to the north dock and I couldn't say what caliber they were, because I wasn't close enough to feel the impact of them. Generally you can tell by the feeling in the air.

Q Colonel, about what time was it that you made this trip by boat around the tail end of the Island, roughly?

A Between 3:00 and 4 o'clock, I believe.

Q With reference to the map of Corregidor Island, which way did you travel in that boat? Where did you start from?

A I started at the south dock in the vicinity of San Jose and traveled east around Hooker Point. At Hooker Point we were fired on by Japanese machine guns, although we were carrying a white flag. We traveled then north, approximately north, and then northeast to Cabcaben.

Q Now, at any time during that trip did you see the white flag flying from the mast on Corregidor?

A Yes, I did. I did, for this reason: I wasn't paying very much attention to the white flag on Corregidor at that time, because I had other things to do, but it so happened that when we went to Cabcaben, we happened to see a Japanese in the water, clinging to a piece of driftwood, and I happened to turn around in order to pull him into the boat, and I saw the white flag flying on the flagpole and also saw bombs hitting in that area.

Q Now, will you relate what happened after you arrived at Cabcaben?

A Upon arrival at Cabcaben, I, thinking the General had already reached Cabcaben, walked up the main road with

General Beebe and one enlisted man -- I believe Sergeant Carroll -- and there saw some Japanese in trucks who paid no attention to us at all, and finally came upon a Japanese -- I believe he was a newspaper correspondent; his name was Uno, he spoke English -- and I told him I was seeking General Wainwright, who I believed to be at General Homma's headquarters, or a place which General Homma had designated, not realizing then that General Wainwright had not arrived. General Wainwright, in the meantime, had turned back with the Japanese officer, with whom he had been; they were about to go into that artillery barrage from Bataan and had turned back. I learned later that they had come over in a Japanese assault boat.

Q Now, did you meet General Wainwright that afternoon?

A I met General Wainwright at a little house near Cabcaben, just west of Cabcaben.

Q Do you recall about what time that was, Colonel?

A I believe it was about 5 o'clock.

Q Who was with General Wainwright at the time you came upon him?

A General Wainwright was at this little house when we drove in, and was accompanied by Major Dooley and a Major Willian Lawrence.

Q Then what happened?

A When we arrived we all joined one another and a certain amount of photographing took place, and then after a period of, it might have been a half-hour or it might have been an hour, General Homma and his staff arrived.

Q What occurred when General Homma and his staff arrived?

A On the porch of this little house which I spoke of was a long table. General Homma and his staff took their places on one side of it and motioned to General Wainright that he and the members of his party should sit down opposite them.

LIEUTENANT SCHWARTZ: Will you mark this as our next exhibit?

(A photograph was marked Prosecution Exhibit No. 422 for identification.)

Q (By Lieutenant Schwartz) I show you Prosecutions Exhibit 420 for identification and ask you whether that is a picture of the scene of the meeting between General Wainright and General Homma with their staffs?

A That is. That is General Wainright. I am on his right, and General Beebe on his left, Major Dooley on General Beebe's left, and Major Lawrence is not in the picture (indicating).

LIEUTENANT SCHWARTZ: We offer into evidence Prosecution's Exhibit 422.

CAPTAIN CODER: No objection.

GENERAL DONOVAN: It is accepted into evidence.

(Prosecution Exhibit No. 422 for identification was received in evidence.)

Q (By Lieutenant Schwartz) Now, will you state what happened at that meeting?

GENERAL DONOVAN: I would like to find out again these identifications that he made as to who was sitting where.

Q (By Lieutenant Schwartz) Will you state again the names of the people around that table?

A I am on General Wainright's right; General Beebe, General Wainright's chief-of-staff, is on his left; Major Thomas Dooley is on General Beebe's left; and Major William Lawrence was on my right, but is not shown in the picture.

GENERAL DONOVAN: What about the Japanese?

THE WITNESS: General Homma is the most prominent figure there, and on his right is a senior officer whose name I do not know, but an officer with whom he conferred a great deal during the conference. I should say pseudo-conference.

Q (By Lieutenant Schwartz) Do you know the names of any of the other Japanese at the table?

A I do not. There was a Japanese interpreter, whose name was Lieutenant Nakamura, who was standing behind General Homma all the time, and I believe he is out of the picture.

Q Now, Colonel, will you state just what took place at this meeting between General Wainright and General Homma?

A General Wainright presented General Homma with a formal declaration of surrender in written form. I do not know whether General Homma read that document or not.

Q Did he pick it up?

A I couldn't say whether he did or not. General Homma spoke no English during the entire conference. He spoke to his interpreter, Lieutenant Nakamura, and it is very difficult to recapitulate the entire thing, because Lieutenant Nakamura's tone, his rudeness, was such that it is very difficult to draw a picture of it. I do not know whether General Homma spoke to him in the tones in which he spoke to General Wainright. However, the text is something like this -- Lieutenant Nakamura, after some whispering with General Homma, told General Wainright that he would not accept the surrender of the four fortified islands.

Q Had the offer to surrender the islands been made?

A It had been made in that document.

Q Had General Wainright spoken up to that time?

A I believe in addition to that General Wainright said, "I shall surrender to you the four fortified islands of the entrance into Manila Bay," and named them by name, from north to south.

Q Now, did that start the meeting, do you remember?

A Except for the document, that started the meeting, yes.

Q What was said after that?

A Lieutenant Nakamura informed General Wainright that General Homma was not, would not accept the surrender of the four fortified islands. He wanted the surrender of the entire Philippine Islands.

General Wainright then told him that he could not

surrender more than the four fortified islands, because he commanded no more than the four fortified islands.

There was some whispering between General Homma and Lieutenant Nakamura, and Lieutenant Nakamura informed the general -- I don't know whether he said he was telling a lie, or whether he said he was telling an untruth, but he said that General Homma had heard through the radio that General Wainright commanded the entire forces.

General Wainright said again that he did not command all of the forces of the Philippines, because he had turned over the Mindanao-Visayan Force to General Sharp. General Wainright did not hear very well. I was sitting on his right for that reason. I was whispering in his ear a good deal of the time, so that a lot of this was repeated.

General Wainright said at least three times that he could not surrender any more than the fortified islands, and he was informed by Lieutenant Nakamura that unless he did the assault on Corregidor would continue.

There was some more talk, and suddenly General Homma rose --

Q Just a minute. You say there was some more talk. Between whom?

A Whispering between Lieutenant Nakamura, General Homma, and the officer who sat on his right. General Homma suddenly rose, his entire staff with him, and stalked off the porch.

Lieutenant Nakamura, as he left, told General Wainright once more that the assault on Corregidor would continue.

After General Homma and his staff had left General Wainright asked an officer who was still there, whose name I do not know, what he should do. He was informed by that officer in English that he could go back to Corregidor; that he did not give a damn what he did.

Q All right. Then what happened, Colonel?

A Darkness had fallen by this time and our party returned to Cabcaben. In the meantime the crash boat which I -- General Beebe and I brought over, was half full of water, so that we could not use that, and I believe it was a lieutenant named Uemura who took us back in a Japanese crash boat, and we landed in the vicinity of Capital Point.

The boat could not go up to the shore and we waded ashore as best we could, and from there we walked east to Malinta.

Q Colonel, what was the military situation on Corregidor when you got back?

A When General Wainright arrived at Malinta he found that the Japanese forces already occupied Malinta and our men were in the vicinity of the east entrance of Malinta.

Q Was there any firing or shooting going on?

A No, there was not. It was very orderly.

Q Did anything particular happen that night, the night of 6-7 May?

A General Wainright, on realizing that the Japanese already occupied Malinta, decided that he would attempt to get in touch with General Sharp and fulfill the conditions which General Homma had already dictated.

Q Had General Wainright taken any steps to effectuate

the surrender after he got back to Corregidor from the meeting with Homma?

A He had a meeting with a senior general on Corregidor.

Q When did this take place?

A That took place shortly before midnight in what is called Barrio San Jose, just east of Malinta Tunnel. General Beebe, his chief-of-staff, was not present, because he had become sick, but I was present at that meeting.

Q What took place at that meeting?

A General Wainright said that he would --

GENERAL DONOVAN: Would you like to have a short recess for about five minutes?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: We will take a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with three members of Defense counsel. The Prosecution is present and we are ready to proceed.

LIEUTENANT SCHWARTZ: Will you read the last question and answer?

(Question and answer read.)

Q (By Lieutenant Schwartz) Now, Colonel, what took place at that meeting between General Wainright and the senior Japanese officer that night about midnight?

A General Wainright had been advised by an officer who had been left behind after General Homma left, that he should tender his surrender in accordance with the

dictates of General Homma to the senior officer on Corregidor, and we were directed there, that officer, I believe he was a major general, was in a building in the Barrio of San Jose on Bottomside. There was tendered the surrender of the entire Philippine Islands. This, of course, was dependent on General Homma providing a radio which we didn't have, in order that General Wainright get in touch with General Sharp.

Q Now, did General Wainright get in touch with General Sharp by radio?

A I do not know whether he -- I did not know at that time whether he got in touch with General Sharp by radio. However, the following day, at approximately nine o'clock, a lieutenant colonel named Haba arrived as a representative of General Homma and took the surrender and informed General Wainright that he would go to Manila some time that afternoon. He said that he would be back approximately at two o'clock; I think he said two o'clock. He came about four.

General Wainright and a few other members of the party, Colonel Pilet, Colonel Traywick, Major Dooley and I, accompanied him. We were taken to Lamao in Bataan.

GENERAL DONOVAN: I want to get the time straightened out on this.

THE WITNESS: That was at approximately four o'clock on the afternoon of the 7th of May, 1942.

GENERAL DONOVAN: I mean the time when the negotiations were going on.

THE WITNESS: The negotiations in San Jose, in that

barrio, took place about midnight of May 6-7, 1942.

I might add that before the negotiations were completed the general there donned his field equipment and followed his troops out on an assault upon Topside.

Q (By Lieutenant Schwartz) In other words, there were military operations still proceeding?

A During the entire time that we were at San Jose Barrio they were bombing Topside.

Q By air or artillery?

A No planes. Generally they did not fly at night over Corregidor. It was artillery from Bataan.

GENERAL DONOVAN: One other item: This 4:00 p. m. time, was that the time that he left Corregidor?

THE WITNESS: The following day certain members of his staff left for Lamao and went via the route of the Death March to San Fernando, Pampanga, and from there on the main road to Manila, where he made a broadcast that night.

Q (By Lieutenant Schwartz) Now, to whom did he broadcast?

A He broadcasted to General Sharp.

Q What was the content of the message to General Sharp?

A I have a copy of it in my pocket, if I may refer to my notes. I can give it to you verbatim, if you want it that way.

CAPTAIN CODER: We have no objection.

GENERAL DONOVAN: You may use your notes.

THE WITNESS: This particular document is the document which he gave to Colonel Traywick.

Q (By Lieutenant Schwartz) Who is he?

A His assistant chief-of-staff, G-3, who flew to Mindanao.

Q You say "he" gave it to Colonel Traywick. Who did?

A General Wainright gave it to Colonel Traywick, who left shortly thereafter for Mindanao to get in touch with General Sharp, and this is the document here:

"To Major General William F. Sharp, Jr., commanding Visayan-Mindanao Force.

"To put a stop to further useless sacrifice of human life on the fortified islands, yesterday I tendered to Lieutenant General Homma, the Commander-in-Chief of the Japanese Forces in the Philippines, the surrender of the four harbor forts in Manila.

"General Homma declined to accept my surrender unless it included the forces under your command. It became apparent that the garrisons of the said forts would be eventually destroyed by aerial and artillery bombardment and by infantry supported by tanks which have overwhelmed Corregidor.

"After leaving General Homma with no agreement between us I decided to accept, in the name of humanity, his proposal, and tendered at midnight, 6-7 May 1942, to the senior Japanese officer on Corregidor, the formal surrender of all American and Philippine Army troops in the Philippine Islands.

"You will therefore be guided accordingly and will repeat will surrender all troops under your command both in the Visayan Islands and in Mindanao to the proper

Japanese officers. This decision on my part you will realize was forced upon me by means beyond my control.

"Colonel Jesse T. Traywick, Jr., GSC, my assistant chief-of-staff, G-3, who will deliver this letter to you, is fully empowered to act for me. You are hereby ordered by me as the senior Army officer in the Philippine Islands to scrupulously carry out the provisions of this letter, as well as such additional instructions as this staff officer may give you in my name.

"You will repeat the complete text of this letter and have such other instructions as Colonel Traywick will give you, by radio, to General MacArthur.

"However, let me emphasize that there must be on your part no thought of disregarding these instructions. Failure to fully and honestly carry them out will have only most disastrous results."

Q When did General Wainright prepare that message?

A This message was prepared when Lieutenant Colonel Haba arrived on the morning of May 7, 1942.

Q About what time?

A Approximately nine o'clock.

Q Had there been an artillery barrage directed at Corregidor that morning?

A During the morning of May 7th there was an artillery bombardment of approximately one hour and a half.

Q Was it light or heavy?

A I couldn't tell you whether it was light or heavy artillery, because at that time I was confined at a lateral, under Japanese guard, and I could only tell there

was a barrage, but I could not tell what kind of artillery was being fired.

Q Could you tell whether the artillery fire was concentrated or sporadic?

A It appeared to be concentrated in the vicinity of Malinta Tunnel.

Q What do you understand was meant by General Wainright in the last paragraph of his message to General Sharp?

A I understood by that that General Wainright believed that if General Sharp did not comply with these instructions, that the 11,000 people on Corregidor would be killed.

CAPTAIN CODER: If it please the Commission, we object to that answer just given by the witness; that is what he believed, it is not anything he knew of his own knowledge, but merely his opinion.

Q (By Lieutenant Schwartz) What do you base that conclusion on?

A I base it on the fact that General Wainright and I have been together for over ten years, and during that time I have been probably his closest confidant.

GENERAL DONOVAN: The objection is not sustained.

Q (By Lieutenant Schwartz) Colonel, how many casualties were sustained on Corregidor after 6 May, noon, 1942?

A I could not answer to that exactly, but I did see three fresh dead about three o'clock on the afternoon of May 6.

Q What were the circumstances?

A When I went to Denver Hill and returned to Denver Hill I passed them on the road, and the blood had not

coagulated. I remember one sergeant who had been hit by a shell. The back of his head had been blown off and the blood was fresh. He had been killed within the past half-hour.

Q You have testified there was a shelling, an aerial bombardment the afternoon of the 6th, and that there were shellings the morning of the 7th. Were those the only two bombardments of Corregidor the afternoon of May 6th that you know of?

A Will you please ask that question again; I didn't understand.

Q As I recall your testimony, you stated that the Japanese shelled Corregidor sometime in the afternoon of 6 May; is that correct?

A That is correct.

Q And again the morning of the 7th; is that correct?

A That is correct.

Q Were there any other occasions -- any other artillery?

A There was an artillery barrage on the Topside about midnight of 6-7 and either bombs or artillery were dropping -- planes were bombing or artillery were dropping while we were sitting in conference at Cabcaben.

Q You could hear that?

A I could hear and see it.

Q Do you know how many men were wounded during this period on the afternoon of 6 May?

A I couldn't testify as to that. I know that our casualties had been quite large and had been quite large before May 6th. In fact, every day we could on Corregidor realize that when the sun went down there would be from 50 to 100 less of us.

Q Colonel, when were the terms of surrender, as offered by General Wainwright, accepted by the Japanese?

A I should say June the 9th of 1942. If I can refer to my notes, I can point that out more clearly. On June 9th of 1942, a little simple notation was given to General Wainwright, which read, as follows: "The troops under your command have now surrendered. Your command ceases and you have now become a prisoner of war and will, today, be conducted to a prisoner of war camp at Tarlac." That was on June 9th, 1942.

Q When did actual firing cease on Corregidor; at what time?

GENERAL DONOVAN: By whom?

LIEUTENANT SCHWARTZ: By the Japanese.

A I left Corregidor on the afternoon of May 7th, and the last firing I heard was during the morning of that date.

Q Colonel Pugh, as far as you know, was there a single shot fired by the Americans on Corregidor at the Japanese after noon of May 6th, 1942?

A There was not. General Wainwright specifically ordered all troops to fire no shots after 12:00 Noon and that order, to the best of my knowledge, was carried out.

Q Now, you left Corregidor the after noon of 7 May for where?

A For Manila via Limay; Limay was a little further up the coast of Bataan.

Q Were you with General Wainwright at the time he made his broadcast?

A I was.

Q Was his whole staff with him at that time?

Tol XVIII
Col Pugh

A General Wainwright, Colonel Pilet, Colonel Traywick, Major Dooley and I were present.

Q Where were you at this radio broadcasting station?

A Radio broadcasting station which was called KZRH in Manila.

Q After the broadcast where did the party go?

A After the broadcast we returned to what was called University Apartments.

Q How long did you remain there?

A We remained there until June the 9th of 1942, when we went to Tarlac.

Q And in June it was that you got that note you referred to?

A On the morning of June 9th.

Q Who delivered that note?

A It was delivered by either a Japanese officer or Japanese courier. I can't testify as to who he was, whether he was an officer or one of the soldiers.

Q What was the true situation on Corregidor on the 6th and 7th of May?

A General Wainwright had been ordered by General MacArthur to keep foodstuffs to include July 1st, 1942.

Q What kind of rations were there on Corregidor; where were they stored?

A The garrison, the entire garrisons of both Corregidor and Bataan had been on half rations, I believe, since the 5th of January, 1942. It may have been the 4th or 5th. And they were stored in a lateral of the main tunnel. There were some cold stores which were outside, but they were so well

bombed, they didn't exist any more.

Q Now, let me get it again. How much food was there on Corregidor?

A There was enough food for 11,000 men until June the 1st, 1942, of half-rationing.

GENERAL DONOVAN: Before you finish, I want to get one point straightened out. Colonel Pugh spoke of someone who manned his field artillery and led an attack. Who was that?

A I didn't say he led the attack, Sir. He left General Wainwright while these negotiations were going on, and I think the junior officer accomplished it for him and followed his troops.

GENERAL DONOVAN: Who was he?

A I believe he was the senior Japanese officer on Corregidor.

GENERAL DONOVAN: When was that?

A That was about midnight of May 6-7, 1942. He was in the building in the barrio.

Q (By Lieutenant Schwartz) Do you recall his rank?

A I thought at that time he was a Major-General, but I know he was the senior officer because General Wainwright was taken there by one of the Japanese officers who had been on Bataan.

LIEUTENANT SCHWARTZ: You may cross examine.

CROSS EXAMINATION

Q (By Captain Coder) Colonel, I would like to take you back to the beginning of your testimony on direct examination where you stated that about conditions at Corregidor just prior to the 6th or 7th of May. What buildings were

left standing on the Island of Corregidor?

A There were very few buildings left standing on the Island of Corregidor. The line of buildings, one of which General MacArthur had used when he was there, were completely down. There were some buildings up on Topside which were made of concrete but they had been completely gutted. There was a building down in the vicinity of 92 Garage area, an iron building, which was standing to a certain extent. There were very few buildings standing at that time. I believe I can carry that a little further. General Wainwright told me that he had seen many villages in France during the 1st World War which had been destroyed very badly, but he had never seen any destruction like that on Corregidor.

Q Were there any buildings of any size left that could house troops?

A There were these concrete barracks which stood, but they had no roofs.

Q Were they gutted inside?

A They were pretty badly gutted inside.

Q There were not sufficient buildings to house troops on Corregidor left standing?

A No, there were not. There would not have been enough buildings to house those men. There were 11,000 men on Corregidor.

Q There was nowhere near enough housing?

A There were not sufficient buildings, no. The Island had been too thoroughly bombed and shelled.

Q Now, I would like to go to the morning of the 6th of May. If I understood your testimony correctly, during that morning General Beebe had the command of General Wainwright's broadcast over the radio?

A Over the "Voice of Freedom."

Q Over the "Voice of Freedom" a message to the Japanese. Now I am going to read you from Exhibit No. 419 -- Prosecution's Exhibit -- which is General Wainwright's statement. I am going to read a passage and I am going to ask you if that is approximately what General Beebe said over the radio.

"Message for Gen. Homma--Message for Gen. Homma, or the present commander in chief of the imperial Japanese Forces on Luzon.

"Anyone receiving this message please transmit it to the commander in chief of the imperial Japanese forces on Luzon.

"For military reasons which Gen. Wainwright considers sufficient, and to put a stop to further sacrifice of human life, the commanding general will surrender to your excellency today the four fortified islands at the entrance to Manila Bay together with all military and naval personnel and all existing stores and equipment.

"At 12 noon, local daylight saving time, May 6, 1942, a white flag will be displayed in a prominent position in Corregidor, at which time all firing from the harbor forts will cease unless a landing by Japanese troops in force is attempted without flags of truce, in which case they will be taken under fire.

"If all of your firing and aerial bombardment has ceased at 12 noon, local time, the commanding general will send two staff officers by boat, flying a white flag, to the Cabcaben dock to meet a Japanese staff officer, whom the commanding general requests that your excellency have there, empowered to name the time and place for the commanding general to meet your excellency in order that he may make the formal surrender and to arrange all details.

"Upon the return of his staff officers the commanding general will proceed by boat accompanied by some of his staff to such place as may be designated by your excellency. The commanding general's launch will fly a white flag and his party will consist of five or six persons. He requests that motor transportation meet his party at the landing point designated by you."

Q (By Captain Coder) Is that substantially what General Beebe broadcast?

A That is.

Q Now, about what time of day did General Wainwright give the order to his troops to disarm, lay down arms, on the 6th of May?

A I think that the approximate time was 10:15 A.M.

Q The morning of the 6th of May?

A Yes, the morning of the 6th of May.

Q About what time did General Wainwright release the balance of his command to General Sharp; the part of his command which did not include the four fortified islands in Manila Bay?

A During the month of May he sent three radiograms.

Q On the 6th of May did he release his command to General Sharp?

A Farly the 6th of May. It may have been the night of 5-6 or early the morning of the 6th.

Q All three radiograms were sent at approximately the same time?

A Yes.

Q Now, as I understand it, you did not accompany General Wainwright from Corregidor to the mainland?

A No, I did not. He was accompanied by Major Dooley.

Q You went in a separate boat?

A I went in a separate boat with General Beebe.

Q You met General Wainwright again at the little house in Cabcaben?

A That is correct.

Q I am going to ask you to think about this conference again between General Wainwright and General Homma and try to recall to your mind again just what occurred there; according to your testimony the first thing that happened, General Wainwright took the papers upon which he had written his surrender terms. Did he hand it to General Homma, or did he lay it on the table? Do you recall?

A In answer to your question, I want to say that General Wainwright is one of the most ingenious, one of the most courageous, one of the most humble men.

Q I think we all, here, appreciate that fact.

A He would never put something on the table, because he doesn't do things that way.

Q Will you explain what he did do?

LIEUTENANT SCHWARTZ: In what regard?

CAPTAIN CODER: I would like to know if the papers on which the terms were written were in the possession of General Wainwright.

Q (By Captain Coder) How did they get out of his possession? Did he hand it to you, or General Homma, or what did he do with it?

A He handed it to General Homma; at least, I believe he did. I must say at that time, this is almost four years ago, and at that time I had not been to sleep for about a week and I was rather numb at the time and some of these details are not quite as clear in my mind as they were.

Q I understand. But I want you to point out as clearly as you remember.

A I might be wrong, but --

Q According to the best of your knowledge, what was the next thing that happened after this statement was given to General Homma? Who opened the conference?

A I believe General Wainwright.

Q Do you recall about what his words were?

A In regard to the four fortified islands his words were very polite and very gracious as he always is. I believe he said -- I don't know whether he referred to General Homma as General Homma or as the Supreme Commander in the Philippines. I am not sure about that.

Q Then, this, as I understand -- this statement by General Wainwright, was translated by an interpreter?

A It was.

Q Now, what is the next thing that occurred then?

A The next thing?

Q What answer did General Homma give?

A General Homma spoke to Lieutenant Nakamura and said that he could not accept the surrender of the four fortified islands. He desired the surrender of the entire Philippines.

Q What was General Wainwright's answer to that?

A General Wainwright told him he could not surrender more than four fortified islands.

Q Could you speak a little louder?

A General Wainwright said he could not surrender more than four fortified islands to the entrance of Manila Bay because he did not command more than those four. General Homma, through his interpreter, told him that he had heard over the American radio that he commanded the entire Philippines.

Q What was General Wainwright's reply?

A General Wainwright told Homma that he had turned over the Mindanao-Visayan Command --

GENERAL DONOVAN: Didn't we have all that on direct examination?

CAPTAIN CODER: Yes, but I would like to inquire a little further.

Q (By Captain Coder) Did General Homma ask if General Wainwright could get command of the troops under General Sharp?

A Now, I can't say whether General Homma did or not. I think he did. I don't know whether it happened then or later, but I

believe General Homma asked him at that time if he could, and General Wainwright told him we had no way of getting in touch with those troops, that our radios no longer were working.

Q Then did General Homma, or the Japanese representing him, did they offer any facilities to get in touch with General Sharp?

A I believe they did.

Q I see. And what was General Wainwright's reply?

A I think they said it would be possible to either send someone down there in a Japanese plane or get in touch with them by radio.

Q What was General Wainwright's response to that?

A I believe General Wainwright again said -- he said several times that he could not do it -- could not surrender more than four fortified islands.

Q Did he make any direct response to the offer of the Accused to give him facilities to get in touch with General Sharp?

GENERAL DONOVAN: Have you testified that the Accused offered this particular thing himself?

A I beg your pardon, Sir?

GENERAL DONOVAN: Did you testify as to what was just said in connection with General Homma offering to get in touch with General Sharp?

A I don't understand.

GENERAL DONOVAN: In other words, what I was trying to find out is, that the Accused did offer to get in touch with General Sharp. Have you testified to that?

A No, I have not. I do not believe there was any offer made at that time.

Q (By Captain Coder) Do you recall whether at any time there was an effort made to get in touch with General Sharp?

A There was an offer made later because General Wainwright considered the matter after General Homma left and there must have been an offer later because, otherwise, he would not have been able to get in touch.

Q You don't know that of your own knowledge?

A I was present during the entire time and it seems to me that that offer was made after General Homma left. I do remember when General Homma was present that General Wainwright said at least three times that he could not surrender more than four fortified islands at the entrance to Manila Bay. I do not remember whether at that time an offer was made by General Homma or his representative.

Q Well, was it anytime either before or after General Homma left the conference, was an offer made by the Japanese to provide General Wainwright with facilities to get in touch with General Sharp?

LIEUTENANT SCHWARTZ: I think that question has been answered.

A There was -- I have testified to that.

GENERAL DONOVAN: The question you asked was not "Japanese!" You asked "Did General Homma make this offer?"

CAPTAIN CODER: Yes, Sir, I asked that before.

A It was made after General Homma left by an officer whose name I do not know.

Q Very well. In connection with General Wainwright's release of General Sharp's troops, did the Accused or anyone in his behalf ask General Wainwright when he had released these troops to General Sharp?

A I do not remember whether that question was asked or not.

Q Now, I would like to recall to your mind that you read on direct examination from some notes which you have. Was that document which you read, was that the radio message which General Wainwright transmitted to General Sharp, or was that a message?

A That was a message which was sent to General Sharp by G-3, who traveled to Mindanao on a Japanese plane.

Q The radio message which General Wainwright sent, do you have a copy of the one he sent to General Sharp?

A I do not have a copy on my person.

Q Have you a copy available?

A Not here.

Q Was it similar in nature to the telegraph or to the message which was sent via Colonel Traywick?

A The thought only included General Sharp, I think, because -- it not only included General Sharp, but it also included Colonel Nakar and Colonel Horan who were in authority in north Luzon. The radio message was to all three: General Sharp, Colonel Horan who was in Baguio and Colonel Nakar who was in Cagayan Valley.

Q In response to these messages and to the message sent via Colonel Traywick, did General Sharp actually surrender his troops?

A General Sharp did surrender his troops on General Wainwright's order.

Q Then General Wainwright was actually in command of General Sharp; is that correct?

A He was not in command when General Wainwright had his conference with General Homma, because he released him to General MacArthur, but, due to the seriousness of the situation, the General felt that he should recall General Sharp. He recalled General Sharp to his command and sent the message by Colonel Traywick and also broadcast from KZRH.

Q Do you believe that any time during this period that General Sharp would have heeded any orders which General Wainwright would have given him?

A During which period?

Q The period from 6 May until the time that General Sharp was called back under Commander General Wainwright?

LIEUTENANT SCHWARTZ: What orders?

CAPTAIN CODER: Any orders.

A I don't think he would have if he hadn't been under General Wainwright's command.

Q Under the situation as existed, do you think if General Wainwright had transmitted an order to General Sharp, do you think he would have followed that order?

A I don't understand your question.

GENERAL DONOVAN: Just a moment. If you don't understand the question, let's have it explained.

THE WITNESS: I don't know what period you are referring to.

Q (By Captain Coder) I am referring to the period from the

6th of May when General Wainwright released General Sharp from his command until the time when General Sharp was again taken under General Wainwright's command, during that short interval?

A It was from early May 6th to May 7th. It was probably about a day and a half.

Q During that short period of time, if General Sharp had received an order from General Wainwright, do you believe that he would have obeyed the order?

A I couldn't testify as to what General Sharp would do.

LIEUTENANT SCHWARTZ: What kind of order?

CAPTAIN CODER: Any kind of an order.

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with five members of the Defense staff. Prosecution is present and ready to proceed.

CAPTAIN CODER: Will the last question be read?

(Question read.)

CAPTAIN CODER: I now withdraw that question.

Q (By Captain Coder) Was there any question by General Sharp of General Wainright's order that he resume command of his troops?

A No, there was not.

Q And was there any question by General Sharp of the surrender by General Wainright? Did General Sharp question General Wainright's authority to surrender his troops, in any way?

A No, he did not, due to the direness of the --

Q Now, just answer the question.

LIEUTENANT SCHWARTZ: Let him finish.

GENERAL DONOVAN: Just a minute. Let him finish the answer.

A (Continuing) He did not, due to the direness of the note which Colonal Traywick took to him.

Q (By Captain Coder) After your return, after the meeting with General Homma, when your party had started back to Corregidor, were you in custody of the Japanese, or were you free agents to go where you pleased?

A That is a very difficult question to answer. We were in a Japanese boat with a Japanese officer, and we were led

through the Japanese troops by a Japanese officer, were taken to the tunnel in the custody of the Japanese officer, were then taken to San Jose Barrio in the custody of a Japanese officer, and after that conference we returned to a lateral. At that lateral there was placed a Japanese guard.

Q Will you try to speak a little louder, please?

A On that lateral there was placed a Japanese guard.

Q Well, now, on the trip back from Corregidor, were there guards on the boat?

A There were no soldier guards. There were one or two officers. I believe Lieutenant Uemura was one of them.

Q About how many Japanese altogether accompanied you back on the boat?

A I should say maybe four or five: The two officers, and I think three or four men to handle the boat.

Q Now, you have testified that during the conferences between General Wainright and the Japanese officer on Corregidor, that this Japanese officer at one time left the discussions to participate in an attack made by the Japanese, is that correct? This is after you came back from General Homma --

A I said this, I believe: When we were in San Jose Barrio, while the conference was going on, there was shell-fire on Topside. Soldiers moved up towards Topside, and this officer put on his field equipment and went with them.

Q Well, were they attacking with their small arms fire at this time, do you recall?

A They were down in San Jose Barrio, and in the vicinity the shelling was going on at that time; within my sight there was no small arms fire.

Q Now, you also testified that there were some casualties from shellfire and from bombing during the day of the 6th of May. Did you observe casualties from close combat between the Japanese and the American soldiers?

A I did not. I think I testified that I saw, about three o'clock on the afternoon of May 6th, between Denver Hill and the east end of Malinta Tunnel, that I saw three men who had been dead a very short time.

Q I understand that. Now, did you see any casualties -- those, I believe, you attributed to shellfire, artillery fire, is that correct? Or bombing?

A One, at least, and probably all three, because they were all together.

Q Now, the question was: Did you see any casualties which you attributed to close combat between troops, that is, casualties other than from bombing or shellfire?

A You mean after twelve o'clock? I only saw those three, and one of them was very definitely killed by shell-fire, and the others probably were killed by the fragments of that shell.

Q Now, one other question: Do you recall whether or not General Wainright ever told the Japanese that his troops had entirely laid down their arms?

A On the radio broadcast --

Q I understand on the radio broadcasts, but --

GENERAL DONOVAN: Just one minute. Will you let the

witness answer the question?

Were you through with your answer?

THE WITNESS: No, sir, I was not.

GENERAL DONOVAN: Let the witness answer the question.

A The general gave very definite instructions that no shots would be fired after twelve o'clock, and so stated in the four radio broadcasts which General Beebe made between 10:30 and 12:30, approximately, on that date -- May 6th of 1942.

Q (By Captain Coder) Did General Wainright at any other time, to your knowledge, tell the Japanese that his troops had laid down their arms entirely, other than the radio broadcasts?

A He may have, but I didn't hear him.

Q Not to your knowledge?

A Not to my knowledge.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Redirect?

LIEUTENANT SCHWARTZ: Yes, sir.

REDIRECT EXAMINATION

Q (By Lieutenant Schwartz) Colonel Pugh, was the offer by General Wainright to surrender the four fortified islands in Manila Bay conditional or unconditional?

A Unconditional.

Q Was there any close-contact fighting between the Japanese and American forces after 12:00 noon on May 6? That is, was there any resistance offered by American troops after noon on 6 May 1942?

A There was not.

Q Now, with reference to the command situation between General Sharp and General Wainright after General Sharp had been released, did General Sharp have to obey any orders given him by General Wainright? Was he obliged to obey any orders which General Wainright thereafter could have given?

A He was not.

Q Now, to your knowledge was any part of the shelling by artillery on Corregidor the result of Japanese naval activities?

A I do not think so. I say that because of the angle from which they came.

LIEUTENANT SCHWARTZ: No further questions.

GENERAL DONOVAN: Recross?

LIEUTENANT SCHWARTZ: Just a minute, sir. I have one further question.

Q (By Lieutenant Schwartz) Were these planes that bombed Corregidor Army or Navy planes?

A Army planes.

LIEUTENANT SCHWARTZ: Cross examine.

CAPTAIN CODER: Nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) At the conference that you had on the front porch there with General Homma, did you know whether or not at that time General Homma spoke English or understood English?

A I did not know at that time, sir, but I heard later that he did.

Q Did General Wainright ever receive anything in writing in connection with the terms of your surrender, prior to --

I think it was June 9, 1942?

A No, sir.

Q No formalities, except the meeting on the front porch with General Homma, and also the meeting with the senior officer on Corregidor? There were no other formalities connected with it, other than those two meetings?

A None, except when Colonel Haba came over the following day.

Q The following day?

A And General Wainright was taken to Manila soon after that.

Q And the next thing that General Wainright received was this note on June 9, 1942?

A That is correct, sir.

Q (By General Trudeau) From what flagpole was the flag of truce flown? Topside or Malinta Hill?

A It was flown from the vicinity of Topside, sir. I could show you on the map approximately where it was. It was not flown --

Q Was it flown on the regular flagpole?

A On the regular flagpole.

Q What was the size of the flag of truce that was flown?

A I think it was about as big as a bedsheet, sir.

Q Did General Wainright and those of you that accompanied him wear your sidearms when you went to meet General Homma?

A No, sir, we did not.

Q You did not wear sidearms at that time?

A Did not wear sidearms.

Q At what time did General Wainright present to the

colonel at Barrio San Jose his amended terms of surrender to include all troops in the Philippine Islands?

A Approximately midnight of May 6-7.

GENERAL TRUDEAU: Thank you. That is all.

Q (By General McNaught) Did you ever see the written statement that General Wainright handed to General Homma or to his representatives on the porch at Cabcaben?

A I did see it, sir, but I could not state what it contained without refreshing my memory.

Q Well, maybe you can answer a couple of questions. Did it state in there that the troops on Corregidor had laid down their arms?

A Yes, sir, it did.

Q What duty were you on in December, 1941, around the 20th to 25th of December?

A I was at that time G-2 of North Luzon Force, which General Wainright commanded.

GENERAL McNAUGHT: Thank you.

Q (By General Donovan) What happened to the paper that General Wainright presented to General Homma, do you know?

A No, sir, I do not.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL MEEK: If the Commission please, at this time the Prosecution rests.

(PROSECUTION RESTS)

GENERAL DONOVAN: Does the Defense have anything?

MAJOR SKEEN: If the Commission please, the Defense at this time has a motion we would like to present.

The Defense moves for a finding of not guilty of Specifications Nos. 1, 4, 5, 6, 8, 9, 10, 12, 24, 26, 27, 34, 41, 47, -- Paragraphs 4 through 9 -- and the Additional Charge and specifications, on the grounds that the evidence before the Commission fails to support them.

Now, in argument for a finding of not guilty as to certain specifications, we do not intend to concede that all other specifications have been proved beyond a reasonable doubt. It is our purpose to eliminate those specifications about which we feel there can be no controversy, and as to the others and parts of other specifications we are willing, in the interests of conservation of time, to leave any argument to a later date if it appears necessary.

Now, as to all of these enumerated specifications, with the exception of 1, 4, 27, and the Additional Charge and specifications, I will point out the facts on which our contentions are based.

As to Specifications 1, 4, 27, and the Additional Charge and specifications, they will be briefly argued by Lieutenant Pelz and Captain Coder.

Now, first, as to Specifications 9, 24, 26, 34, 36, 41, and 47, Paragraphs 4 through 9, the Prosecution has introduced no evidence at all.

GENERAL DONOVAN: Let us get those last numbers again.

MAJOR SKEEN: The last numbers were 9, 24, 26, 34,

36, 41, and 47, Paragraph 4 through 9, inclusive.

Now, as to those there has been no evidence introduced at all.

Secondly, as to each of these specifications -- 5, 8, 10, 12, and 39 -- the Prosecution has presented one affidavit as the sole proof. Now, these documents were admitted into evidence by the Commission as having probative value. Now, in ruling that the affidavit had some probative value, the Law Member made no commitment as to whether, standing alone, it meets the Prosecution's burden of proof.

Now, it is a principle of justice that the Accused in a criminal case is not called to rebut the case made against him until evidence has been introduced sufficient to prove it beyond a reasonable doubt. Now, this principle is based upon a presumption that an Accused is innocent of the crime with which he is charged, and this presumption continues throughout the trial.

Finally, as to Specification 6, the proof presented consists of one affidavit and one hearsay statement. Certainly this meager additional element is not sufficient to say that this specification has been proved beyond a reasonable doubt.

It is our contention that in this motion the Commission is called on to decide whether it will bring in a finding of guilty as to a specification supported by one affidavit. Assuming that a single affidavit has some probative value, it hardly can be said that it proves the specification beyond a reasonable doubt.

Now, as to the other specifications and Additional

Charge and specifications, they will be taken up at this time by Lieutenant Pelz and Captain Coder.

LIEUTENANT PELZ: As to Specification 1, "The bombing of Manila on the 27th and 28th of December, 1941," I propose briefly to examine each portion of the specification with reference to Prosecution's evidence in the matter.

First, "The willful and wanton bombing of the City of Manila on 27 and 28 December." There is no doubt as to the sufficiency of Prosecution's proof that Manila was bombed on these dates. Likewise as to the word "willful"; I have no doubt that the air crews did intend to bomb Manila, but I am less certain about the wantonness of the attack.

If I may quote from Volume 2 of Oppenheimer on International Law, page 328:

"No legal duty compels the attacking force to restrict bombardments to fortifications only."

The exigencies of warfare have frequently caused our own air forces to destroy churches and non-military installations. Atomic bombing was the ultimate in this. Moreover, the port area was obviously a military installation, and the Intramuros had been the site of USAFFE Headquarters, as well as Fort Santiago.

Second, "By units of the Japanese Air Force." Prosecution has failed to establish that Army Air Force bombers were over the City on the dates in question. The two expert witnesses of the Prosecution testified that naval air forces were engaged in strategic bombing of the Philippines from bases in Formosa. The inference that naval bombers were involved on December 27 and 28 is heightened by the ATIS

document, the admission of which was opposed by the Defense counsel, which gives details of attacks by the Obata Army Air Force, but reveals no attacks against Manila on these critical dates. It was admitted by Prosecution's witnesses that the naval air forces were not under the command of General Homma. Whatever the degree of coordination between General Homma and the naval air forces, official notification that Manila had been declared an open city would go to the naval forces from Tokyo through naval channels of communication.

Third, "After the proclamation had been issued." Evidence has established that the proclamations were issued to correspondents at a press conference and with broadcasts over the radio. Moreover -- and we do not admit this, but recognize it only for the purposes of this motion -- a broadcast from Manila had been heard in Tokyo, as was acknowledged by Radio Tokyo.

Fourth, "After the Japanese had been informed of said proclamations." This is a vital point. It is not enough that the Prosecution prove that the Tokyo Government heard a broadcast. Surely a government is not expected to act officially after listening to a news commentator. Previous to this war declarations as to undefended cities were sent under flag of truce to the attacking army headquarters. But in World War II air bombardment created a new problem.

The declaration by the French Government that Paris was an open city is a prime example. According to Hyde on International Law, the message was transmitted from the French Government to the American Ambassador in France, and

thence through the American Legation in Switzerland to the American Ambassador in Germany. It was the latter who officially communicated this proclamation to the German Government. It is clear that only by a similar method could the American Government bind the Japanese Government.

Again I repeat, we could not expect official notice to be taken of a news broadcast which could be disavowed at any time. There were neutral legations in Manila whose services could be employed so as to communicate with Tokyo.

Finally, there has not been a scintilla of evidence that General Homma knew of the proclamation before December 30.

As to the fifth and last part of the specification, there is no doubt that the air assaults damaged much property, and that numerous persons were killed or wounded. Experience all over the world has shown this to be inevitable.

Thus, even ignoring the question of whether the United States armed forces in the Far East had observed the rules of warfare as to what constitutes an open and undefended city, the Prosecution has failed in its proof of this specification. They have not shown that bombers were under the command of the Accused. On the contrary, the evidence points to the opposite conclusion. Equally important is the failure of Prosecution to show an official communication to the Japanese Government containing the proclamation, and its failure to elicit any testimony that the Accused was informed of the declaration on December 27 or 28. Prosecution was required to prove these two elements of command and knowledge in order to establish this specification.

It has failed, and therefore Defense requests a finding of not guilty as to Specification 1.

If it please the Commission, I will only briefly touch upon our motion as to Specification 4. It seems perfectly clear to a person with any knowledge of an Army in the field that the testimony under this specification did not show any "widespread raping." We must be cautious, lest we condemn all commanders of all armies. The greatest number of rapes that could be adduced from the evidence before the Commission is 30-odd for a seven-month period, and this includes every charge of rape in the City of Manila.

That is not widespread rape, when compared to the number of rape charges received by any army in a foreign country. There is no such thing as a rape case being typical. They are all different, and evidence as to one leads to no inference as to how many other charges were made, if any. Prosecution has proved that some cases of rape occurred, for which members of the Accused's army were responsible. This could be proved as to any army command.

CAPTAIN CODER: If it please the Commission, I will argue for a finding of not guilty as to Specification 27, and to the additional Charge and the Specification under the additional charge.

I shall recite here Specification 27: "About 6 and 7 May, 1942, the willful, deliberate and unlawful aerial bombing and artillery shelling of Corregidor after a white flag had been raised at the top of Malinta Hill by the American Forces, by reason of which numerous Americans were wounded and killed."

Upon examination of this Specification we find that the key words are: "willful, deliberate and unlawful." Of the fact that the Island of Corregidor was bombed and subject to artillery fire on the 6th of May, 1942, while a white flag was displayed there is little doubt, inasmuch as there is ample testimony to this.

Of the fact that the artillery and aerial bombings were willful and deliberate on the night of 6 May, there is the testimony of one witness, who testified that artillery fire was conducted by means of signal lamps operated by Japanese at that time on the Island of Corregidor.

Now, although it has been shown that the bombing and artillery fire did in fact take place and it might be construed to be willful and deliberate, at no place has it been shown that such conduct was in anywise unlawful and, in support of this contention, I shall quote from FM 27-10, the Field Manual 27-10, Rules of Land Warfare, wherein after Paragraph 223 on page 62, the following is

stated:

"Significance of White Flag.-- The white flag, when used by troops, indicates a desire to communicate with the enemy. The hoisting of a white flag has no other signification in International Law. It may indicate that the party hoisting it desires to open communication with a view to an armistice or a surrender."

Again, in support of this contention, I will quote from Hyde's International Law, Volume III, Section 639, wherein in the last paragraph on page 1776, it is stated:

"The hoisting of a white flag by troops has no signification in International Law other than one indicating a desire to communicate with the enemy."

Hyde's International Law further states in Volume III, Section 639A on page 1776:

"The attempt to enter into communication with the enemy by means of a flag of truce, through the instrumentality of a parlementaire and his staff, involves a procedure that may be quite inapplicable when one or both of the opposing forces are engaged in offensive operation by air."

And again quoting from the same reference, there is stated:

"Thus, the commander of an army in the field, or of portions of one, seeking to make known a desire to surrender or to enter into terms for surrender, may find utmost difficulty in communicating the fact to or through that medium of enemy aircraft operating against him. Even if he succeeds in making known such desire to such aircraft, the

latter may acknowledge no obligation to cease attacking or to communicate that desire to the commander on the ground in control of the offensive operation."

In view of the law as above stated, we submit the conclusion that although the Island of Corregidor was subject to artillery fire and aerial bombing, which may have been willful and deliberate, the Accused committed no wrong since, under the then existing circumstances on 6-7 May, 1942, such bombing and artillery fire was not unlawful.

The arguments as above set forth and as heretofore recited are applicable to the additional Charge and the Specification thereunder.

The additional Charge is worded as follows:

"That Masaharu HOMMA, then Lieutenant General of the Japanese Imperial Army and Commander-in-Chief in the Philippines of the Armed Forces of Japan at war with the United States of America and its Allies did on 6 May 1942 unlawfully refuse to grant quarter to the Armed Forces of the United States of America and its Allies in Manila Bay, Philippines, and did thereby violate the laws of war."

And now, I will read the wording of the additional Specification:

"That on 6 May 1942, despite the offer of surrender of General Wainwright, the Commanding General of the United States Army Forces, on the four (4) fortified islands in Manila Bay, namely, Corregidor Island, Caballo Island, Carabao Island, and El Fraile Island and despite the fact that the said forces had laid down their arms and surrendered at discretion, the aforesaid Masaharu HOMMA refused to accept

such surrender and the Japanese Forces thereafter fired upon said United States Army Forces as a result of which members of the United States Forces on said four (4) fortified islands were killed and wounded."

Now, the applicable questions raised here are:

1. Did the U. S. Armed Forces lay down their arms at discretion?

2. If they did, was that fact known to the Accused?

3. Did he then refuse to grant quarter?

We take the position that the forces did not lay down their arms and surrender at discretion but were ordered to lay down their arms by the Commanding General while he negotiated for surrender terms. And that the fact of their laying down their arms was not known to the Accused. They were led to expect quite the contrary, and in support of this I will quote from the radio broadcast as set forth in General Wainwright's own statement, which General Wainwright sent out on the morning of May 6th. It reads as follows:

"At 12 Noon, local daylight saving time, May 6, 1942, a white flag will be displayed in a prominent position in Corregidor at which time all firing from the harbor forts will cease unless --"

And this is the point:

"***unless a landing by Japanese troops in force is attempted without flags of truce, in which case they will be taken under fire."

Now, if the Japanese under the command of the Accused believed that the American forces were in position to repel an attack or to take a landing force under fire on the after-

noon or subsequent to that radio message, they then had no knowledge or they could not be expected to believe that the American forces had laid down their arms at discretion. As far as the Accused knew, the U. S. Forces had not laid down their arms but were prepared to repel an attack.

There is no evidence whatsoever of Japanese soldiers actually on the Island of Corregidor refusing to grant quarter, or in any way harming members of the United States Armed Forces.

In dealing with this subject, we must remember that, although General Wainwright is known to all of us members of the United States Army as the very soul of honor, there is no way that the Accused would know of his character and it was, therefore, entirely proper for him to deal with General Wainwright at arms length according to the strict letter of the law.

For the reasons above enumerated, we ask that the Accused be found not guilty as to Specification 27 and as to the additional Charge and as to the Specification under the additional Charge.

MAJOR SKEEN: We have nothing further on this motion.

GENERAL DONOVAN: I want to get these numbers straight.

MAJOR SKEEN: Which Specifications?

GENERAL DONOVAN: All of them.

MAJOR SKEEN: Specifications 1, 4, 5, 6, 8, 9, 10, 12, 24, 26, 27, 34, 36, 41 and 47, Paragraphs 4 through 9. Those are the Specifications.

Of course there is the additional Charge and the additional Specification.

GENERAL DONOVAN: Does the Prosecution have anything?

COLONEL MEEK: If the Commission please --

GENERAL DONOVAN: Does the Prosecution desire any time in connection with this?

COLONEL MEEK: No, Sir.

If the Commission please, it will be recalled that Saturday afternoon I stated at that time as to Specifications 9, 24, 26 --

GENERAL DONOVAN: Just a minute, don't go too fast.

COLONEL MEEK: 34, 36, and 41, that we were not offering any proof upon those; we, of course, have no intention of asking --

GENERAL DONOVAN: 41 has not been mentioned by the Defense, has it?

MAJOR SKEEN: Yes, we included No. 41.

GENERAL DONOVAN: Specification No. 31, also?

MAJOR SKEEN: Not 31, Sir.

GENERAL DONOVAN: All right. Now, pardon me, but you included 9, 24, 26, 34, 36 and 41?

COLONEL MEEK: Yes, upon which no evidence at all was introduced. We, therefore, quite of necessity, and naturally would not expect any findings as to those Specifications.

We submit, if the Court please, that on every other Specification to the Charge and to the additional Charge, we have submitted evidence, not maybe in all instances beyond a reasonable doubt, but, when you take all of the Specifications together, there is ample evidence, more than ample evidence to support every one of them.

As to Specification No. 1, I want to talk a moment upon that, and on 27, or rather on the additional Charge, in which the matter of notice to the Accused might be involved. As to Specification No. 1, if there is anything that the Prosecution lacks in that particular Charge, it is only as to: Did the Accused have knowledge prior to the bombing of the open city.

We have brought forth in this case whatever has been humanly possible for us to bring forth other than the actions of the Accused's own air force during that period of time.

Now, as to the Specification No. 4, the widespread rape, I call the Commission's attention to the amplification which was furnished the Defendant, as to Specification 4, and state, as I stated in that, "As to Specification 4, the Prosecution, in establishing the widespread raping and brutal mistreatment of American and Filipino women throughout the Philippines, will offer proof on the following typical cases --."

Now, Sir, what we have done there, we have picked typical atrocities involving rape in different localities throughout the Philippine Islands. I submit that we could have spent days here in presenting that evidence. Then Counsel makes the statement here that during the seven months of occupation by this Accused, to only bring in, I think it is ten typical cases of rape, that would happen with any Army.

I want to call the attention of this Commission to one thing, that the Prosecution brought out on the stand from

the Judge Advocate General under the Accused, Nishiharu, that he was in command here, and he testified to a total of between 70 and 80 courts-martial cases of the Accused's own Army during that period of time, which does not, to my way of thinking, show a very well disciplined Army, with the numbers he had involved.

I believe that is all I have to say, and I submit it to the discretion of this Commission.

MAJOR SKEEN: May I say one more thing, Sir.

GENERAL DONOVAN: Yes.

MAJOR SKEEN: Counsel for the Prosecution has stated that they may not have proved some of the Specifications beyond a reasonable doubt. I want to call the Commission's attention to the fact that it is absolutely necessary that each and every one of these Specifications be proved that way before a finding of guilty can be found. They cannot take them altogether and consider them that way. They must be considered separately and, one final thing, Counsel for the Prosecution mentions the fact again that these are typical cases of rape. Now, remarks of Counsel cannot be considered as evidence in this case and we can only consider those cases which they produced by witnesses in court.

GENERAL DONOVAN: The Commission will take a short recess.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused, with all members of Defense counsel, is present. Prosecution is present, and is ready to proceed.

GENERAL DONOVAN: As to Specifications 9, 24, 26, 34, 36 and 41, Prosecution have stated that they have no evidence to sustain these specifications. Therefore, the motion to dismiss is granted. As to Specifications 5, 8, 10, 12 and 39, can the Prosecution secure testimony to support these specifications?

COLONEL MEEK: May I check on those numbers just a moment.

GENERAL DONOVAN: 5, 8, 10, 12 and 39.

COLONEL MEEK: We have no witnesses on any of those available.

GENERAL DONOVAN: The motion to dismiss by the Defense is granted on those specifications.

As to Specifications 1, 4, 6, 27 and 47, and the additional charge and specification therein, the motion of Defense is denied. Is there anything further?

MAJOR SKEEN: If it please the Commission, as to those specifications on which the motion of the Defense is sustained, the record will show that there is a finding of not guilty?

COLONEL MEEK: No, sir.

GENERAL DONOVAN: Just a minute. Go ahead.

MAJOR SKEEN: The motion of the Defense was for a finding of not guilty in these specifications. I ask the

record to show on those specifications as to which the motion is granted that the record so show.

COLONEL MEEK: At this time I submit that the Commission cannot make a finding of not guilty as to those specifications. I want to call the Commission's attention to the charge itself. The general charge is made that this Accused, then being commander-in-chief in the Philippines and then Lieutenant General of the Japanese Imperial Army, did unlawfully disregard and fail to discharge his duties as such commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against the people of the United States of America, its allies and dependencies, particularly the Philippines; and he, Masaharu Homma, thereby violated the Laws of War.

It is the Prosecution's contention, and it has always been as to individual specifications there should not be a finding of guilt or innocence as to any of them. However, there is no proof upon those, we admit, and the Commission has said you do not consider the proof sufficient as to those you granted their motion on. To enter a Commission ruling of not guilty as to any specification of this kind, it strikes me as entirely out of order.

CAPTAIN FURNESS: If it please the Commission, the motions of the Defense were all for findings of not guilty because the evidence did not support the specifications, the individual specifications. As I understand it, the motions of the Defense were granted on those particular specifications that you mentioned, and were not granted but denied on the other specifications; is that correct?

GENERAL DONOVAN: That is correct.

COLONEL MEEK: May I be heard just one more word on that?

The motion properly should be, and it is my contention that the Commission should consider only a motion to strike, not a finding of guilt or innocence.

CAPTAIN FURNESS: The motions have been made, and, as I understand it, have been ruled upon. Is that correct, sir?

GENERAL DONOVAN: The Commission has made the ruling as outlined before: That "guilty" or "not guilty" is not concerned. The Commission has made no ruling on guilty or not guilty, and doesn't intend to do so. Those particular specifications which were stricken will be stricken. There is no further need for the Defense to prepare any defense in connection with those specifications.

The record will not show that the Commission has stated that the Accused is not guilty of those specifications. The ruling is on the additional charge as to whether the Accused is guilty or not guilty, not in connection

with specific specifications.

CAPTAIN FURNESS: But it is called to the attention of the Commission, however, that that was the motion of the Defense in these cases.

GENERAL DONOVAN: What is that?

CAPTAIN FURNESS: I would like to call attention to the fact that the motions which were made were for findings of not guilty.

GENERAL DONOVAN: The Commission realizes that, and the Commission has taken the position to dismiss those particular charges on which they desire no more defense.

CAPTAIN FURNESS: I should like to consult with members of the Defense staff.

COLONEL MEEK: If the Court please, so that the record may be clear, do I understand that it is the ruling of the Commission that the motion to strike was granted on those five, is that right?

GENERAL DONOVAN: No, there was no motion to strike.

COLONEL MEEK: There was a motion for a finding of not guilty on those; that is what the motion was. Now, the Commission, the President's ruling is as to certain ones -- as to 9, 24, 26, 34, 36 and 41 -- those are the ones in which we stated we had not offered any proof. Then they had made a motion for a verdict of not guilty as to, among others, 5, 8, 10, 12 and 39.

GENERAL DONOVAN: That is correct.

COLONEL MEEK: And as I understood the ruling of the Commission, it was that that motion was granted. It leaves us now in the position -- what I am trying to

straighten out is that their motion was for a verdict of not guilty on those. What I would like is a clarification, so the record will be clear on it.

GENERAL DONOVAN: As far as the record is concerned, it will read just exactly like I stated. Those specifications will be dismissed. There is no need for further testimony by the Defense in connection with those specifications. You can call it stricken, if you wish.

CAPTAIN FURNESS: And the Accused will not be tried again on those charges?

GENERAL DONOVAN: Not on those particular specifications.

MAJOR SKEEN: If the Commission please, we have a further motion to present.

CAPTAIN FURNESS: Could the record say "will not be tried on those specifications"?

GENERAL DONOVAN: That is correct.

COLONEL MEEK: Just a minute, if the Court please. "Not before this Commission." I don't want to bind General Headquarters --

GENERAL DONOVAN: So far as this Commission is concerned, he will not be tried on those specifications, that is, 5, 8, 10, 12 and 39.

MAJOR SKEEN: There is just one further question on that, and that is the question of double jeopardy. The Accused --

GENERAL DONOVAN: That is the reason I said that.

MAJOR SKEEN: The Accused has been tried once on these specifications, and we would like the record to show

that he will not be tried again on these.

GENERAL DONOVAN: If that should come up with reference to this Accused and the specifications are such as 5, 8 and so forth, you may quote this Commission or get the record in connection with these specifications.

MAJOR SKEEN: The Defense now moves for a finding of not guilty on the charge, and on the ground that the evidence before the Commission fails to support it.

Now, under principles of American justice, a man charged with a crime is presumed innocent until proven guilty, and in this case unless the Prosecution proves such guilt so that the Commission has no reasonable doubt, the Commission must find the Accused not guilty.

The Prosecution must in its evidence present a prima facie case, that is, it must present evidence which, standing alone, would leave no reasonable doubt in the minds of a majority of this Commission that the Accused is guilty as charged, before he can be required to present evidence in his own defense.

If the Prosecution fails to do this -- and we contend that it has -- this Commission must grant this motion for a finding of not guilty.

Now, with what is this Accused charged? We assume, for the purpose of this argument -- as we must, since our motion to dismiss has been denied -- that he has been charged with a violation of the Laws of War. It is not alleged that the Accused committed any act which was a crime, or that he ordered, either expressly or by implication, the commission of any crimes, nor that he authorized any crimes prior to their commission, or con-

doned them thereafter.

Now, referring to the charge, it reads: "As commander of forces at war with the United States, that he unlawfully disregarded and failed to discharge his duty as commander to control the operation of members of his command, permitting them to commit atrocities," and that, thirdly, atrocities were committed. Those are the three elements of the crime which the Prosecution must prove, and in order to convict it must prove all three beyond a reasonable doubt. If it has failed to prove any of these elements, this motion must be granted. Proof of one element, or even two, is not sufficient.

Now, we contend that the Prosecution has failed to make out a prima facie case as to the second element of the alleged crime. The Accused did command troops at war with the United States; further, they have made a prima facie case that some atrocities were committed. But it is not sufficient that such atrocities were committed by the troops of the Accused. They must prove the connection of these atrocities with the Accused, which is the second element of the crime. This is the element which would link the Accused with the atrocities, before he could be held responsible.

Now, once again, what must be proved: "That the Accused unlawfully disregarded and failed to discharge his duties to control the operations of members of his command, permitting them to commit atrocities." Now, what did he do or fail to do that was unlawful? In what manner did he disregard his duties? Did he fail to discharge his duties, and how did he fail to control his troops?

Further, in what manner did he permit these acts to occur? Was it by positive act or condonation?

Now, these questions we asked when we moved for a bill of particulars, so that we could know what we had to meet in order to obtain an acquittal. We ask them again now. What has the Prosecution proved? It is not sufficient to say that the Accused commanded troops and that such troops committed atrocities. The connection upon which conviction must be based, according to the Prosecution, is that the Accused knew or should have known that these atrocities would be committed, knew or should have known that they were being committed, and failed to take affirmative steps to prevent them or stop them happening or to punish the perpetrators. We contend there has been no proof of this, or that such proof is so tenuous and of such little probative value that it fails in any sense to prove guilt beyond a reasonable doubt.

The Prosecution in its opening statement said that it would show atrocities "so widespread and so broad in pattern and design and so continuous, that they will lead to the one and final conclusion that they were within the knowledge of this Accused, or they should have been; that they were committed by his troops with his knowledge and with his consent."

Now, has a broad pattern or design been proved? Are these atrocities indicative of any pattern or design, or are they not the acts of individual soldiers, in some cases authorized or ordered by individual subordinate commanders?

We ask these questions and submit that the answers

claimed by the Prosecution have not been proved; that proof necessary to the renoval of all reasonable doubt that these atrocities were committed by his troops, with the knowledge and consent of the Accused, either express or implied, has not been furnished.

In considering this motion, the Commission must ask itself these questions, and if any reasonable doubt remains in the minds of the majority of the members, then this motion must be granted and the Accused found not guilty.

COLONEL MEEK: If the Commission please, I do not desire to be heard at length upon this. I want the Commission to understand, of course, that the Prosecution does most sincerely resist any motion such as has now been offered by the Accused in this case.

The matter of command responsibility, of course, does enter into this case, and I do not want to rehash it at this time because it is still too fresh in the minds of every member of this Commission, the atrocity upon atrocity that has been brought before this Commission from the witness stand.

We have gone away beyond the realm of possibility in showing the knowledge that this Accused had when we placed his command, starting from the very landing right down, following his troops, and citing only one instance, where even Homma must admit knowledge, and we have proven it beyond all reasonable doubt, where was his headquarters during all of the Death March? Within 500 yards of where that Death March was taking place.

The evidence of his own staff officers, the two first witnesses we put on the stand, they testified that Homma drove along the Death March from Orani up to San Fernando, and then to think we haven't proven the knowledge of this Accused of that one thing alone, I say the whole pattern from the very landing on December 12th, when that school-teacher testified here as to the shooting, the whole pattern of the Japanese invasion -- and this was a victorious army and,, as I said in my opening argument, with their line of

communications intact, with their supplies, with a well trained staff, with everything in their favor, pushing forward, and every foot of the way there was an atrocity, after atrocity.

Now, to have a motion here that this Accused had no knowledge, no actual knowledge, I submit, gentlemen, that we have proven in this case, even beyond all reasonable doubt, that this Accused has had knowledge of all of this.

Then speaking for a moment as to Specification No. 27 and the Additional Charge, if there was ever a violation of the rules of land warfare, well, it was all within the knowledge of this Accused; every bit of it.

I do not like at this time to take up the time of the Commission, because there is no merit in the motion. There is in every specification, even some of those upon which the Commission has stricken, although they were submitted to this Commission only on affidavit evidence, I do submit to this Commission that in every specification that we have proven here, there is more than sufficient evidence before this Commission to put this Defendant, this Accused on his defense to make his explanation, if he has one, of why these things were permitted to happen.

Why the starvations and the deaths and the killings and the rapes and the tortures; the killing of ten men for one man escaping? The working of details on military installations. The use of his artillery -- you gentlemen are familiar enough with commanding generals in the field, that he knew where every one of his batteries were. To put his batteries there around Hospitals 1 and 2, and not let those

patients get out of there -- any commander in the field, and I do not care if it is a Japanese commander, or from what army he comes or to what army he belongs, he knows where his artillery was, and he knew where that was, and he knew it was firing upon defenseless and unarmed troops.

I submit there is much more than that, if the Commission please.

GENERAL DONOVAN: Well, subject to objection by any member of the Commission, the motion for a verdict of not guilty is denied.

MAJOR SKEEN: One further motion at this time, if the Commission please.

GENERAL DONOVAN: All right.

MAJOR SKEEN: The Defense requests a recess of at least ten days in order to prepare for the presentation of this case to the Commission, and accordingly moves that this request be granted.

Now, on two previous occasions we have pointed out the difficulties encountered in preparation of a trial of this kind, or in preparation of this case.

Since the Commission is entirely familiar with that, I do not intend to repeat to them now those matters, except to state that they have not been overcome. Ordinarily, during the Prosecution's case, the presence of all members of Defense counsel would be required at the trial, in view of the large number of exhibits introduced by the Prosecution and the unfamiliarity of Defense counsel with many of the transactions or incidents which the Prosecution has sought to prove. However, to meet the schedule fixed by

the Commission, two, three, and often four members of Defense counsel have, during the presentation of the Prosecution's case, been engaged in obtaining evidence which will be presented by the Defense.

While further evidence is presently being sought by the Defense, it is necessary to correlate that which has already been obtained, and to coordinate the work of the individual members of Defense counsel so that our case may be presented in an orderly manner. Proper preparation will, in the end, save the time of the Commission, and of everyone else participating in the trial of this case.

GENERAL DONOVAN: I would like to ask a question. When did you receive a copy of the Charges as Chief Defense Counsel?

MAJOR SKEEN: Three days before the arraignment, I believe.

GENERAL DONOVAN: The arraignment was the 19th of December. The Prosecution started on the 3rd of January. It is now the 21st of January, is that correct?

MAJOR SKEEN: Yes, sir.

GENERAL DONOVAN: Colonel Meek, do you have anything to say?

COLONEL MEEK: I do not want to be heard as attempting to deny to this Accused any of his rights, but I do feel any ten-day delay is entirely unreasonable from my view of the case. I want to get through with it, and I believe the Commission does. It is my belief that the Commission has been very liberal with the Accused's staff in this case. They have had an ample staff to prepare. We have furnished

the Defense, at the direction of the Commission, with statements well in advance. We have afforded them, I believe, more than what was necessarily required to help them in every way that we could. If this man has a defense we want him to have it, but I do not believe that any ten days has merit at this time.

MAJOR SKEEN: I would like to say one thing more on this, that is, to first remind the Commission that we did not receive the Bill of Particulars on two specifications until the day of trial, which was the 3rd of January, and that Bill of Particulars was nothing more than more specifications.

Secondly, the Prosecution's statement that statements and so forth were submitted to Defense counsel well in advance, since the beginning of this trial, practically every evening has been spent perusing the large number of statements which were to be presented the following day. For that reason nothing much was accomplished in the way of preparing our own defense except by those members who were not present in court during the day.

GENERAL DONOVAN: The Commission will recess and settle this question.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with four members of Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: The request for additional time by

the Defense is granted.

The Commission will adjourn and meet again at 8:30 on Monday next, which is the 28th of January.

(Whereupon, at 1700 hours, 21 January 1946, the trial was adjourned until 0830 hours, 28 January 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XIX

PAGES 2439 TO 2507

MANILA, P. I.

DATE 28 January 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
28 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter
FIRST LIEUTENANT CHARLES F. HUSTON, AGD

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Takeji Wachi	2443	2497		

EXHIBITS

DEFENSE EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
A	2452	2454

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with all members of Defense counsel. The Prosecution is present and we are ready to proceed.

If the Commission please, at this time it is necessary to swear in another interpreter.

(Whereupon Second Lieutenant Raymond K. Nimura was sworn as an Interpreter for the Commission.)

MAJOR SKEEN: Before presenting the case for the Defense, I wish to set forth certain facts and indicate the basis on which the Defense will proceed. The alleged offenses for which it is sought to hold the Accused responsible occurred throughout a large area, which includes many islands of the Philippines. The most recent of these occurrences took place more than three years ago. Witnesses are widely scattered, and a thorough investigation of circumstances surrounding some specifications would require many weeks. Japanese witnesses are reluctant to testify for fear of incrimination, and Filipinos for fear of adverse public opinion. However, within the limits of time and personnel available the Defense will show that the Accused, as Commander-in-Chief of the Japanese Imperial Forces in the Philippines, can in no sense be said to have permitted the alleged offenses, since any offenses committed by individual members of the Japanese forces were not with his consent, nor, in fact, known to him.

It will be shown that for many years the Accused has

been identified with that minority group of Japanese officers who were opposed to the policies and doctrines of the Imperial Japanese Headquarters in Tokyo; that he has spent many years in England and acquired the reputation in the Japanese Army of possessing independent, moderate, and humanitarian ideas; and that as a result of such reputation the Accused was prevented from holding any policy-making position in the Japanese Army.

It will be shown that the Accused believed in the humane and proper treatment of civilians and prisoners of war as opposed to the severe policy advocated by the Imperial General Headquarters in Tokyo. This fact was made known to staff officers and subordinate unit commanders of the Accused through severe criticism by officers from the office of the Supreme Chief of Staff of the Imperial Headquarters when on inspection of operations in the Philippines.

As a result of this divergence of opinion between the Accused and the Imperial Headquarters, active measures were taken by officers of the Imperial Headquarters to interfere with the carrying out of his policies and vigorous efforts were made to discredit him. The Accused was unaware of these activities which circumvented his efforts to maintain discipline and ultimately resulted in his peremptory removal from command.

It will be shown that as far as the Accused knew, he was well thought of in the Philippine Islands. He was frequently praised by prominent Filipinos for his fairness and justness in civil administration of the Islands. These

same people, among them persons in high positions in the civil government, had every opportunity to bring to his attention instances of misbehavior on the part of the Japanese troops, yet they failed to make known to the Accused any of the atrocities alleged in this case.

It will be shown that the theory of staff procedure as taught at the Japanese Staff College emphasized initiative of staff officers and necessity for complete confidence of a commander in his staff. These principles of staff procedure were scrupulously applied by the Accused. For this reason testimony of his staff officers is of great importance. The staff are the eyes and ears of a commanding officer. What they say is what he knew of occurrences and conditions within his command.

He issued instructions for the proper treatment of prisoners of war and the civilian population to the troops under his command, both prior to and after the invasion of the Philippines. All reported cases of crimes committed by members of the Imperial Japanese forces were tried by military courts with the result that military justice among the Japanese troops was strictly maintained during the period of command of the Accused. In spite of such efforts, because of the limited time in which to accomplish indoctrination, soldiers and commanders of small units were not wholly motivated by the ideals and policies of the Accused.

It will be shown that the Accused assumed command of the 14th Army of the Japanese Imperial forces only one month before the invasion of the Philippine Islands. At the time of his assumption of command most of the units

comprising the 14th Army were located in Japan, and during the period of command of the Accused units were continually changing. Under these circumstances it was impossible for any commander to thoroughly indoctrinate his troops with his own policies and ideals.

It must be remembered that during the first five months of his stay in the Philippines, the Accused was engaged in a bitter campaign which progressed a great deal slower than had been anticipated. Casualties from battle and disease were far above those expected. Supplies of food and medicine were far below requirements. The surrender of Bataan came unexpectedly and added to already great difficulties, the additional problems of care and feeding of undernourished and sick war prisoners of a number exceeding that of his own troops.

Further, the physical condition of American and Filipino troops was unknown to the Accused until after the time of surrender. At the same time there was still before him the assault on an impregnable fortress which required every available soldier and all of the limited resources of his army.

Under such conditions it was impossible to direct his full attention to administrative matters, and it became imperative that the prisoners of war be handled by the staff on their own initiative and without active supervision on the part of the Commander-in-Chief.

Upon proof of the above facts it will appear that the Accused cannot be held responsible under the charge in this case in that:

First, the Accused never consented, either directly or by implication, to the commission of the atrocities alleged;

Second, the Accused never issued any orders which either directed or could have been construed to permit the commission of the alleged atrocities;

Third, the Accused made every effort and took every precaution that could have been reasonably expected of any man in his position to insure that such incidents as the alleged atrocities should not occur.

The Defense calls as its first witness Takeji Wachi.

TAKEJI WACHI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera and Lieutenant Nimura:

DIRECT EXAMINATION

Q (By Captain Coder) What is your name?

A (Through Interpreter Onodera) Takeji Wachi.

Q Were you formerly a member of the Japanese Imperial Army?

A I cannot hear very well. Please talk to me directly instead of into the "mike."

THE WITNESS (through Interpreter Onodera): Yes, I am.

Q (By Captain Coder) What rank did you hold?

A (Through Interpreter Onodera) Lieutenant general.

Q Did you ever serve under General Homma?

A Twice.

Q On what dates did you serve under General Homma?

A The first time from March to November, 1941; the second time from March to August, 1942.

Q Where did you serve under General Homma the first time?

A Formosa Army.

Q And the second time?

A In the Philippines.

GENERAL DONOVAN: What were those dates?

Q (By Captain Coder) On what dates?

A Formosa Army, March to November, 1941; Philippines, March 1 to August 5, 1942.

Q Will you tell us the circumstances under which you came to serve under General Homma the second time?

A The former chief of staff under General Homma returned to Japan because he was unsatisfactory, and I served under General Homma.

Q Do you know for what reason he was determined to be unsatisfactory?

COLONEL MEEK: If the Commission please, I would suggest that that calls for a yes or a no answer. There might be a possibility that the Prosecution would like to offer an objection. I don't like for the witness to go ahead here and give something unless we know from this witness that he knows why this former chief of staff was recalled.

GENERAL DONOVAN: Do you want to object?

COLONEL MEEK: Yes, I want to object to the question as phrased in the first instance.

GENERAL DONOVAN: The objection is not sustained. Answer the question.

A Because he did not put all his effort in the operation.

Q (By Captain Coder) Do you know who decided that the chief of staff should be changed?

A The chief of general staff, General Sugiyama; General Sugiyama, chief of general staff of the Imperial Headquarters.

COLONEL MEEK: Will you talk into the mike.

GENERAL DONOVAN: I wish you would address all your remarks up here. You will have to talk back through the loud speaker. I don't care what you do with the witness. Talk to him any way you wish. You get the question and answer. I would like to find out what the last answer was.

(Answer read.)

GENERAL DONOVAN: Before we go any further, I think within the next few days we are going to have several differences of opinion of interpretation here. When you have any question about the interpretation, I wish you would address your remarks up here. I want everybody to get what is going on. I don't want you to get it by talking to the interpreter. Let's get things orderly before we continue.

CAPTAIN CODER: May I proceed?

GENERAL DONOVAN: Yes.

Q (By Captain Coder) Now, at the time while you were still at Formosa were you visited by members of the general staff about your appointment as chief of staff to General Homma?

A Yes.

Q Will you tell us what matters were taken up at that time?

A The former chief of staff, Lieutenant General Maeda, put most of his effort in the political side of the occupation and did not put all his effort in operation. In Manila there was a military administration department led by Major General Hayashi, but in addition to that the chief of staff had taken all the staff members of the second section to Manila for administration. Lieutenant General Homma in his firm decision to attack Bataan and Corregidor had not even gone once to Manila at this time.

COLONEL MEEK: If the Commission please, I ask that that answer be stricken because it is not responsive to the question. The answer is entirely unresponsive to the question and I ask the entire answer be stricken.

CAPTAIN CODER: I believe you have the wrong question.

COLONEL MEEK: If the Commission please, may the answer to that question be read back.

GENERAL DONOVAN: Will you read the last three or four questions?

(Record read as requested.)

GENERAL DONOVAN: As I understand it he put all his efforts in the political side of the occupation and not in the operations.

INTERPRETER PRATT: I believe the answer was former

Chief of Staff Maeda.

GENERAL DONOVAN: That is in Manila?

CAPTAIN CODER: The name was Lieutenant General Maeda instead of Manila. He is talking about Lieutenant General Maeda.

GENERAL DONOVAN: Let's go back to the other question. I want to find out where he was during this time.

Q (By Captain Coder) Where were you at the time this conversation took place?

A I was Taihoko, Formosa.

GENERAL DONOVAN: All right.

COLONEL MEEK: I have no objection if it is understood that he is talking about a conversation with someone. I would like, if the Commission please, to have him identify the chief of staff officers in Formosa that he was talking to, so we will know where he got this information that he is detailing as a witness.

Q (By Captain Coder) Who explained these matters to you that you have just reported to us?

A Major General Wakamatsu, head of the General Affairs Section of the General Staff.

Q Is there anything further that he discussed with you at that time?

A Outside of that Major General Wakamatsu spoke of the miserable battle situation in Bataan.

Q After this conversation took place were you then ordered to come to the Philippines?

A Yes.

Q Did you report to the South Sea Army prior to

proceeding to the Philippines?

A I received an order to report to Saigon to the Southern Supreme Army and then proceed to Manila.

Q Did you then report to Saigon?

A Yes, I did.

Q To whom did you report there?

A Chief of Staff, Lieutenant General Tsukada.

Q What instructions did he give you?

A First, Lieutenant General Tsukada told me about the general condition of the 14th Army in the Philippines. He further instructed me on many important things in order to carry out the operation in Bataan and Corregidor from then on. He also told me that one artillery unit, one division, one regiment and two air units will be added to it.

GENERAL DONOVAN: Repeat the last part.

INTERPRETER NIMURA: Two air units.

THE WITNESS: Two or three days before I arrived there, Staff Member Sato under General Homma, brought a message from the Philippines. Lieutenant General Tsukada also spoke on the answer that was given to that message.

Q (By Captain Coder) Will you tell us what the message was?

A The contents of the letter was that the 14th Army in order to carry on the attack on Bataan and Corregidor was going to change the internal setup of the 14th Army, that the Military Administration will be solely dedicated to the Military Administration section, command section chief and commanding general on down, including the chief of staff and all the members will attend to the operation

exclusively. Lieutenant General Tsukada then reported to the commander-in-chief Terauchi, Southern Supreme Army, and General Terauchi was very sympathetic to General Homma's plan, and not only did he agree with General Homma's opinion, but he issued the following three orders.

GENERAL DONOVAN: Just a moment. What opinion did he talk about? I don't follow you.

CAPTAIN CODER: I believe, sir, the witness meant request rather than opinion. He is speaking of the request which arrived at the South Sea Army Headquarters by a staff officer which was then there. I asked him what that request on the part of General Homma was. He just now recited that.

GENERAL DONOVAN: Has he ever said what the request was?

CAPTAIN CODER: He just did.

GENERAL DONOVAN: All right.

COLONEL MEEK: May we at this time fix the date of this? There is no date on this at all. Will you get the date?

Q (By Captain Coder) What date were you at Saigon?

A I arrived there on the 25th of March at noon. I was there on the 26th and left on the morning of the 27th.

GENERAL DONOVAN: What year?

THE WITNESS: (Through Interpreter Onodera) In 1942.

I am sorry. I made a mistake; it was February 25th, not March of 1942.

Q (By Captain Coder) Will you tell us now what three orders General Terauchi put out at that time?

A (Through Interpreter Onodera) The first order was that in order to carry out the maintenance of peace and order, the military police will be under the Military Administration chief, and the Military Administration chief will be given wide authority to carry on his work freely.

The next order was on the question of how long this form of setup, that is, the army commander devoting himself to the operations and Military Administration, devoting himself to the administration -- how long this should continue, and General Terauchi decided it would continue until the end of June. All orders concerning the Military Administration should be issued to the chief of the Military Administration Department.

The above -- General Terauchi had issued the above orders, and they should be transmitted to General Homma, and also reported to the Imperial General Headquarters. That is all.

GENERAL DONOVAN: Will you read the last question and answer?

(Question and answer read.)

Q (By Captain Coder) Did you then proceed to Manila?

A (Through Interpreter Onodera) Yes.

Q Did you assume on your arrival at Manila the duties of chief of staff for General Homma?

A Yes.

Q I show you this chart and ask you what it is?

A This is a chart showing the chain of duties in the 14th Army from March to June of 1942.

Q Was this chart prepared under your direction?

A Yes.

CAPTAIN CODER: I would like to have this marked as Defendant's Exhibit "A".

(Chart was marked Defense Exhibit A for identification.)

THE WITNESS: (Through Major Pratt) I have one correction to make. In the second section where it says Military Administration, Major Wada, he actually did not do this duty during March, April, May and June of 1942.

GENERAL DONOVAN: Will you read that answer back?

(Answer read.)

CAPTAIN CODER: If it please the Commission, I would like to introduce this into evidence as Exhibit A, the chain of command of the 14th Army.

COLONEL MEEK: I have had no opportunity to see it.

CAPTAIN CODER: The copies will be here in a minute.

COLONEL MEEK: In that connection, I assumed from Major Skeen, that some of these things would be given to us several days ago, and it will speed this up if we get them a little bit in advance.

GENERAL DONOVAN: Suppose we follow the same procedure as we did with the other side. If you have anything to introduce let them see it first.

We will take a ten minute recess at this time.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present, with all members of Defense counsel. The Prosecution is present, and we are ready to proceed.

GENERAL DONOVAN: Before we start, I wish that you would move that table up some.

CAPTAIN CODER: All right.

Let the record please show that the translation of this chart has been approved by the chief interpreter.

MAJOR PRATT: The chief interpreter has examined the chart and finds it to be correct.

GENERAL DONOVAN: What chart is that?

MAJOR PRATT: This translation of the chart.

GENERAL DONOVAN: Is that Exhibit A?

CAPTAIN CODER: Yes.

Q (By Captain Coder) In connection with this chart, was this the plan that had been approved by the Southern Army Headquarters?

A (Through Interpreter Onodera) Yes.

Q I want to call your attention to this line right here.

CAPTAIN CODER: I will indicate it on the large chart, sir.

May it please the Commission, this is the line right here that I was referring to on the chart.

The Defense offers this chart as Exhibit A into evidence. Colonel Meek tells me that it has not yet been received.

COLONEL MEEK: At this time the Prosecution requests

that this chart be definitely marked for the period of time that it covers. There is nothing on the chart to indicate what period of time it covers.

CAPTAIN CODER: That can be done, sir.

COLONEL MEEK: What time does it cover?

Q (By Captain Coder) What period of time does this chart cover?

A (Through Interpreter Onodera) From March to June of 1942.

Q What date in March?

A The 1st of March to the 30th of June.

GENERAL DONOVAN: Let's get the chart into the record.

COLONEL MEEK: I have no further objections, sir.

GENERAL DONOVAN: That chart is Exhibit A?

CAPTAIN CODER: Yes.

GENERAL DONOVAN: It is accepted into evidence.

(Defense Exhibit A for identification was received in evidence.)

Q (By Captain Coder) Does this line indicate that there was communication direct from the Imperial Japanese Army Headquarters in Tokyo to General Hayashi?

COLONEL MEEK: If the Commission please, I want to offer an objection to that question because it is very leading and can call for but one answer from the witness. I think the question should be reframed and he should be asked what that line indicates.

CAPTAIN CODER: Very well. I will reframe the question, sir.

Q (By Captain Coder) What does this line indicate?

A (Through Interpreter Onodera) This line indicates that sometimes important personnel from the Imperial General

Headquarters come down to the Military Administration section to give instructions and orders.

Q I call your attention to this line here --

GENERAL DONOVAN: I wish you would use that big chart so everyone here can see what you are talking about.

CAPTAIN CODER: This chart is in Japanese, so I used it first.

GENERAL DONOVAN: Get someone to help you so they can point out what is going on. You can go ahead and talk to him, but let somebody help to point that out.

CAPTAIN CODER: All right.

Q (By Captain Coder) What does that line indicate?

A It shows the route through which the orders from the Imperial General Headquarters come down to the military police headquarters.

Q Do you know if orders were issued direct from Tokyo to the Military Police Headquarters?

A I have heard that the orders had come through the Military Police Headquarters, but I do not know what kind of orders came through.

Q You do not know for sure whether orders came direct from Tokyo to Military Police Headquarters?

COLONEL MEEK: If the Commission please, the witness has already testified that he did not know.

GENERAL DONOVAN: Let him answer the question.

A I know the route that the order must go through, but I don't know what kind of orders were issued finally.

Q (By Captain Coder) Now, at the time that you reported to General Homma as Chief of Staff what was the general situation in the Philippines as far as the Army was concerned?

A On the whole, in the Bataan operation, the Japanese Army was severely attacked by the American Army.

GENERAL DONOVAN: Start all over again.

You have the answer.

INTERPRETER ONODERA: There is a point I would like to clear up.

GENERAL DONOVAN: All right.

THE WITNESS (through Interpreter Onodera): On the whole, in the Bataan operation, the Japanese Army was severely beaten by the Philippine Army and the situation was very poor. As soon as I arrived in San Fernando and reported to General Homma I was instructed to go out to the front lines and investigate the conditions. I discovered

that the only troops available for actual fighting was one battalion of the 65th Brigade and two battalions of the 16th Division, because the American artillery of the American Army was so accurate and so powerful that the Japanese Army feared this most. At that time the reinforcements were landing on Lingayen, namely four divisions -- the Nagano Detachment and heavy artillery units, and they finished landing by the middle of March.

Q (By Captain Coder) Will you proceed and tell us of the details of the Bataan campaign as you observed?

A First I will speak on the condition of the American-Filipino Army.

We estimated that the strength of the American-Filipino Army was about 50,000, and we felt that their defense was built on three echelons. The first line of defense was centered around the Samato Mountains and ran from east to west and was a very strong position. The second line of defense ran from east to west through the Limay Mountains. The third line of defense was around in the vicinity of Mariveles. A powerful artillery unit of the American-Filipino Army was situated on the Orion Mountains.

GENERAL DONOVAN: How much of this are you going to get?

CAPTAIN CODER: I just want him to give a brief outline.

GENERAL DONOVAN: He is going into a lot of detail. Will you ask the question to bring out what you want -- where the artillery was, and each line, and all of that?

Let him go ahead a little bit. I just want you to watch it.

A (Continuing) Next the condition of the Japanese Army. The front line forces of the Japanese consisted of the 65th Brigade and the 16th Division. However, these units -- forces, had received and suffered great losses and was a very weak force. As far as the reinforcement, the Nagano Detachment was placed on the eastern shore front, and the 4th Division, the reinforcement, was also placed between the 65th and 16th Division.

Q (By Captain Coder) What date was the plan to begin the second Bataan campaign?

A It took more time than expected for the preparation and the general attack was commenced on the 3rd of April.

Q What date, then, was the Bataan campaign concluded?

A On the 9th of April General King officially surrendered. However, the fighting went on, and it was not until the 11th of April that the hostilities actually ceased.

Q Can you tell us what you know of General King's surrender on the 9th of April?

A We were at the Army Headquarters in Balanga, and on the morning of the 9th -- I don't remember the exact time, but I remember it was before noon -- I received a report that General King had sent a party toask for, or to offer surrender. Then Colonel Nakayama, who was the Director of the First Section, by order of the Army commander, went to the front to meet this parlementaire.

Q One moment, please. Did you say "this parlementaire," or did you say "to meet General King"?

GENERAL DONOVAN: Just ask another question to try to bring it out.

Q (By Captain Coder) Did Colonel Nakayama go to meet General King or his emissary?

A Colonel Nakayama went to see General King.

Q What was the result of Colonel Nakayama's interview with General King?

A The result was the surrender of the troops on Bataan Peninsula only.

Q Was this matter reported to you by Colonel Nakayama?

A The report was made simultaneously to myself and to the Army commander, the commanding general.

Q Can you tell us what this report contained?

A There were no conditions in this surrender. It just said that the American-Filipino troops on Bataan Peninsula would surrender.

Q Did the report include any mention of the number of prisoners of war?

A Yes, there was.

Q How many did the report say that there were?

A About 70,000.

Q Was this a larger number than you had expected?

A Yes. We had expected it to be thirty to forty thousand when we learned that it was 70,000, and we were surprised.

Q Did the report make any mention of the physical condition of the prisoners of war?

A No, there was not.

COLONEL MEEK: If the Commission please, I would like

to find out if this is a written report and give the whole report, instead of dragging it along one thing at a time. Let's find out what the whole report was, who made it, and whether he had authority to deal with the general, and whether it was a surrender agreement.

CAPTAIN CODER: If you have the record read you will find that Colonel Nakayama was the man that made the report; that he was the emissary that was sent by General Homma's Headquarters to meet General King, and the report was made to General Wachi and General Homma together.

I will bring that out, whether it was written or verbal.

COLONEL MEEK: What I want to know, if the Commission please, is whether it was the surrender terms. Is this the thing that General King was supposed to have agreed to, and this colonel that was sent as an emissary? Was it the final terms of surrender?

CAPTAIN CODER: These are matters that should be brought up on cross examination.

GENERAL DONOVAN: Do you have the answer to the very first question that he asked about this report?

(Record read.)

GENERAL DONOVAN: That is the first I got of it. He said that the Americans and the Filipinos were to surrender. That is what he said.

CAPTAIN CODER: Yes, sir.

GENERAL DONOVAN: What else did he say besides this?

Q (By Captain Coder) What further did the report from Colonel Nakayama contain?

GENERAL DONOVAN: If you just get the subjects that were discussed in the report, then we can go ahead.

A (Through Interpreter Onodera) I don't remember anything else.

GENERAL DONOVAN: I am not trying to stop you; I am trying to get this organized.

CAPTAIN CODER: Very well, sir.

Q (By Captain Coder) Was there any mention of transportation in the report made by Colonel Nakayama?

MAJOR PRATT: May we have a clarification of what sort of transportation you mean?

CAPTAIN CODER: Motor transportation.

INTERPRETER ONODERA: Transportation for whom, sir, for what purpose?

GENERAL DONOVAN: Truck transportation, or anything like that. Just call it trucks. Is that all right with you?

CAPTAIN CODER: Yes, sir.

GENERAL DONOVAN: Just ask the question that was asked.

INTERPRETER ONODERA: It is awkward in Japanese, there are so many words. What is the transportation for? To carry the prisoners?

GENERAL DONOVAN: Just ask the question.

A (Through Interpreter Onodera) No.

Q (By Captain Coder) This report which was made by Colonel Nakayama, was it a written or a verbal report?

A This was a verbal report.

Q In the plan of the Bataan campaign, was there any

mention made of prisoners of war who might be taken?

A Yes, there was.

GENERAL DONOVAN: Would you read that question.

(Question read.)

GENERAL DONOVAN: Now will you read the answer again?

(Answer read.)

Q (By Captain Coder) Do you recall what this plan was?

A (Through Interpreter Onodera) On the 25th of March, 1942, an Army order was issued in reference to an attack on Bataan. In this there was the order regarding the evacuation of the prisoners to the rear.

GENERAL DONOVAN: Do you want to find out what it said?

CAPTAIN CODER: Yes, sir.

Q (By Captain Coder) Was this plan then put into effect on the fall of Bataan?

A Yes, we carried it out according to this plan.

Q Whose obligation or whose job was it to see to the prisoners of war?

A In the staff, the chief of the Second Section.

Q And who was that?

A Colonel Takatsu.

Q Now, did the plan, which was in the original field order, call for the prisoners of war to walk, or did it call for them to ride?

GENERAL DONOVAN: I would like for you to ask him to state what the plan was.

CAPTAIN CODER: Very well, sir.

Strike that question.

Q (By Captain Coder) What was the plan?

A First, who is to be responsible for the evacuation of the prisoners to the rear or the transportation of the prisoners to the rear.

Second, what route to take.

Third, on what spots on the road they were to be fed, and the sick to be taken care of, and other things along that line.

Fourth, upon arrival, where to place these prisoners of war, and, finally, this work could not be carried out by the chief of the line of communications section alone; that the Medical Department, the Intendance Department, and the Ordnance Department, all must cooperate fully.

Q After the fall of Bataan, was this plan then put into effect by the officer in charge?

A Yes, it was carried out.

Q Where did you go after the fall of Bataan?

A I don't understand the term, "after the fall of Bataan." The actual surrender was on the 9th, but the operations were on the 11th. Do you mean on the 11th?

Q Yes.

A I went to the southern part of Bataan Peninsula for the preparation of an attack on Corregidor. I went about three times, up until the end of April, and I went about twice to San Fernando up until the end of April.

Q Did you observe prisoners of war and civilians along the road during these trips?

A Yes, here and there I saw four or five prisoners in a bunch resting under the trees, being in a very weak

condition.

Q At that time what instructions were put out to the Japanese troops concerning the surrender of the American forces?

A Do you mean the orders that were issued to the subordinate unit commanders?

Q That is right.

A First, to treat prisoners with friendly spirit and not to mistreat them.

GENERAL DONOVAN: Let's get that again.

THE WITNESS (through Interpreter Onodera): To treat prisoners with friendly spirit and not to mistreat them.

A (Continuing) Second, the troops that surrendered at Bataan should be evacuated on the road from Balanga to Bagac on the western side, and on the eastern shore, on the road that ran south from Balanga. And all the troops, surrendered troops, were to be gathered at Balanga, then to be turned over to the chief of the line of communications section, then to be evacuated to the rear.

Q (By Captain Coder) Were there many civilians also in Bataan at this time, as well as prisoners of war and troops?

A Yes, there were many -- a great many number of civilians.

Q Were the roads crowded with surrendering troops and civilians and other personnel?

A Yes, it was very crowded. First, the civilians were evacuated; then the troops followed. During the time from the 10th to the 12th, the area south of Balanga was

exceedingly crowded, extremely crowded.

Q Now, on the 11th of April, what disposition of Japanese troops was made?

A The Nagano Detachment was disposed around Mariveles; the 16th Division was advanced to the west of Mariveles, on the coast; the 4th Division was advancing to the north of Mariveles; the 65th Brigade was situated from Limay to the shores of the Pantingan River; the Army Artillery unit on and near Cabcaben, and to the west.

That is all.

Q How many of these units were retained for the Corregidor campaign?

A All of the 4th Division and all of the Army Artillery units. All of the rest were sent to the rear.

Q Will you tell us briefly of the Corregidor campaign?

A The time of operation: First, we expected to begin the attack on the 25th or 26th of April. However, we had so many sick personnel, and also because we were not prepared on the boats, we decided to commence attack on midnight of 5 May.

The essence of the attack: First, we planned to destroy the fortresses as much as possible by air bonbing and artillery. Then after this was done we were to land in two echelons.

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with all members of Defense

staff. Prosecution is present and ready to proceed.

GENERAL DONOVAN: Will you read the question?

(Question and answer read.)

A (Continuing, through Interpreter Onodera) Corregidor is shaped like a tadpole, and we were to land, one regiment on the first day, on the narrow side, or the tail end of it; and on the second day we were to land two regiments, which were the main strength of the division, on the head side of it, or the wider side of it.

Q Was this plan then followed?

A Yes.

Q Prior to the night of the 5th of May was there an artillery bombardment and aerial bombing on the Island of Corregidor?

A Yes.

Q Was the landing on the night of 5 May successful?

A We did land, but it was not a completely successful landing.

Q What happened then on the 6th of May?

A On the morning of the 6th of May, about half of the landing force was annihilated; the remaining advanced over to Malinta high land and were met by about 100 Americans. We repulsed them and took the high ground in the front. Pretty soon a white flag was raised.

Q What happened after that?

A After that we heard in the army headquarters that the white flag was raised.

Q Where were you at this time?

GENERAL DONOVAN: Before you go any further I would like to have that question and answer read back.

(Question and answer read.)

GENERAL DONOVAN: Let's get a couple of words there.

INTERPRETER ONODERA: It should be Malinta high ground.

GENERAL DONOVAN: You said something about rebuilding.

INTERPRETER ONODERA: Was repelled by the white flag.

GENERAL McNAUGHT: Was that "was" or "had been."

What was the translation? Was it had been destroyed or was destroyed?

GENERAL DONOVAN: Let's leave it like it is. Ask the question.

GENERAL McNAUGHT: Whether he translated "had been" or "was"? Was it destroyed on that morning or had it been destroyed prior to the morning of the 6th?

GENERAL DONOVAN: Now, take that question about the 6th of May and start reading the answer to it.

(Record read.)

GENERAL DONOVAN: (To Interpreter) Repeat that back and see if that is what he said.

THE WITNESS: (Through Interpreter Onodera) About half of the landing forces was annihilated when ship was reaching the beach.

GENERAL McNAUGHT: On the morning of the 6th.

GENERAL DONOVAN: That is what he said, on the 6th of May. All right, let's go.

Q (By Captain Coder) Where were you during the morning of the 6th of May?

A At the army headquarters at Limay.

Q When was it reported to your headquarters that a white flag had been raised on Corregidor?

A I don't remember exactly the time, but it was around noon.

Q Who reported it to you?

A There was a telephone call from the commander of the artillery unit.

Q After you received the report of the white flag on

Corregidor what happened next in relation to the surrender of Corregidor?

A Immediately after that orders were given to the artillery unit and the air units to the effect that the artillery will be stopped and bombardment by air will be stopped.

Q Did you receive any report that General Wainwright wanted to communicate with the commander-in-chief of the 14th Army?

A Nakayama, who went ahead with the first landing, reported that General Wainwright wanted to contact General Homma. Nakayama is a colonel, staff officer.

Q Were arrangements then made for a meeting between General Homma and General Wainwright?

A Yes.

Q At what time did this meeting take place?

A On May 6th around 3 or 4 o'clock in the afternoon. This meeting took place at Cabcaben. I am not sure about the time. It may have been 4 or 5 o'clock.

Q Were you present at this meeting?

A Yes, I was present.

Q What other members of the Japanese Imperial Forces were present?

A Staff Officers Nakayama, Nakajima and Takatsu and three or four other staff officers.

Q Was the Accused, General Homma, there also?

A Yes.

Q Was General Wainwright at the appointed place for the meeting when you and General Homma arrived?

A He was there already.

Q Will you tell us as near as you can recall just what occurred at this meeting?

A General Wainwright and General Homma sat across from each other at the table. On Wainwright's side were the American officers, and on Homma's side were the Japanese officers. I sat on the right of General Homma. Then the negotiations started. General Homma knows how to speak English, so he did not need an interpreter; but since the rest of us did not understand English an interpreter was used.

I will now relate what went on in the negotiations. First, General Homma asked General Wainwright the following question: "Are you the commander-in-chief of the Far Eastern Forces in the Pacific of the United States?" General Wainwright said, "Yes." After that I think they spoke to each other for a little bit, but I don't remember what they said. Then General Homma demanded of General Wainwright that all of the Far Eastern Forces in the Pacific of the United States surrender unconditionally to the Japanese Army.

Then General Wainwright said that can't be done. General Homma asked, "Why?" Then General Wainwright said, "I am in command only of the troops in Luzon and in the Manila Bay areas. I am not commander-in-chief of the Far Eastern Forces in the entire Philippines."

General Homma said, "You say you are not in command of the troops in the Visayans and Mindanao; then who is in command?" And General Wainwright said that they are under

MacArthur's command in Australia. Then the question was put, "Since when did the command change?" Wainwright said, "From two or three days ago." Then General Homma asked General Wainwright if he had means of getting in touch with the forces in Visaya and Mindanao. Then General Wainwright said, "Our wireless telegraph is broken and we have no planes and that we cannot dispatch any messages to them."

General Homma expected Wainwright to surrender all the forces, but since that could not be done the negotiations could not be carried out successfully. Then General Homma asked me, "What should be done?" I thought the following: In answer to General Homma's first question Wainwright stated that he was the commander-in-chief of the Far Eastern Forces of the United States. In other words, he retained a title and the troops in the other sectors may be detached to General MacArthur's command, but Wainwright still remained commander-in-chief of the Far Eastern Forces. Since I didn't know whether the troops of Visaya and Mindanao could be returned to General Wainwright's command or not, but since negotiations could not be carried out in such a manner, I suggested to General Homma the negotiations be postponed at the moment. General Homma agreed to my idea. Since the negotiations could not be carried out we decided to close negotiations and General Homma returned. Staff Officer Nakayama escorted General Wainwright back to Corregidor.

COLONEL MEEK: May I ask for a clarification on the word "postponed"? I would like to know whether it is "postponed," or "cut off." Were negotiations postponed or cut off?

GENERAL DONOVAN: Read back the record.

(Record read.)

GENERAL DONOVAN: Just read the last two or three sentences. We haven't gotten what we want yet. You will have to start up in the middle there. Just keep on reading. We want to find out about the word "postponed."

(Record read.)

COLONEL MEEK: That was the part I wanted. I wanted to know from the Interpreter whether it was postponed or cut off.

GENERAL DONOVAN: The word was "postponed." That is the way it was translated.

INTERPRETER ONODERA: May it please the Commission, the word in Japanese is "chushi," which could mean either one, which means something like recess in the court. It will be stopped, but it is not definitely cut off.

GENERAL DONOVAN: All right, the word is "postponed."

Q (By Captain Coder) At that time, after the close of the negotiations between General Homma and General Wainright, how many troops did you have on Corregidor?

A About 1,500.

Q Since the negotiations had failed, did you then feel that it was necessary to continue operations against Corregidor?

A Yes.

Q And were the operations, as previously scheduled, then carried out?

A Yes.

Q Of what did they consist?

A The main strength of the 4th Division; in other words, two regiments were landed at the head part of Corregidor Island as scheduled, around 11:00 p. m. on May 6th.

Q Was the landing of these troops protected by an artillery concentration?

A At the point of landing there were no enemy troops, but they may come out unexpectedly, so a few artillery shells were dropped in the vicinity of the landing point, so that the enemy would not come out.

Q Now, when was it that you learned that General Wainright surrendered his troops?

A Do you mean surrendering all the troops?

Q Yes, that is right.

A A little after dawn on the 7th of May.

Q How did you hear this news? By what means did you hear this news?

A Japanese forces dispatched some men to Corregidor, namely, Nakayama and Haba, who were staff officers; they made the reports.

Q To whom did General Wainright surrender on Corregidor?

A I think it was the commanding officer of the 61st Regiment.

Q After the surrender did you inspect the Island of Corregidor?

A I went around the 8th of May.

Q What were the conditions of the buildings on Corregidor?

A Most of the buildings had holes because of the artillery shelling and aerial bombardments.

Q Were there any buildings left standing that could be used to house troops?

A The use for quartering troops was just a tunnel we made. A few men could have been placed in the underground rooms of the fortress; not too many, but a few.

Q Now, when did you come to Manila?

A I accompanied General Homma's party and reached Manila about 4:00 p. m. on May 9th.

Q Did you then establish Army headquarters in Manila?

A Yes.

Q Now, I want to take you back again to the time of the Bataan campaign. At any time during that campaign were there staff officers from Imperial Japanese Headquarters, or from other higher headquarters visiting the 14th Army?

A Some high-ranking officers came once in awhile.

Q What did they do?

A They studied the situation of the Bataan operation, and they reported either to the Imperial General Headquarters or to the Supreme Southern Command.

Q Did they give any instructions while they were here?

A Some of them did leave some instructions, yes.

Q Who was here and gave instructions to you?

A The Chief of Staff of the Imperial General Headquarters, General Sugiyama.

Q Do you recall the date when he was here?

A Yes.

Q What was that date?

A April 3rd, at Orani.

Q What instructions did General Sugiyama give?

A Concerning the operation of Bataan, since this was the first day of operation, campaign of Bataan, General Sugiyama thought that the campaign will go well. However, he said that the Corregidor campaign and operations on Visaya-Mindanao still remain, so "Make thorough preparation and try to attain the objective as fast as possible."

Next he left some instructions concerning the administration of the Philippine Islands. In the Philippines, the anti-Japanese movement was very strong from even before the war, and to clarify this would be very difficult. When informers and spies and active anti-Japanese elements are captured, "try them at military tribunals. After trying them at military tribunals, punish them severely." He said that the initial period was most important; if the handling of the people was lax at the beginning, the rest of the job would be very difficult, so "Be strict during the beginning."

That is all.

Q Who did he give these instructions to?

A He told this to General Homma, and also to me, but he said that he would leave details to the military administrator, Major General Hayashi, in Manila.

Q Do you know how General Homma felt about these instructions?

GENERAL DONOVAN: Just a minute.

Read the question back.

(Question read.)

COLONEL MEEK: I object to that question. He might ask him if General Homma stated anything about these instructions.

CAPTAIN CODER: I will rephrase it, sir.

Q (By Captain Coder) Do you know if General Homma stated anything about these instructions?

A General Homma asked General Sugiyama, "Is this an order or not?"

Then General Sugiyama said that, "That is not an order, but it is my opinion."

Then General Homma said, "May I express my own feelings?" And General Homma stated many opposing views.

Q Do you know if General Sugiyama then went to see General Hayashi?

A Yes, he went.

Q Do you know what took place at his interview with General Hayashi?

A He left detailed instructions to Major General Hayashi.

Q Were there any other representatives of higher headquarters?

A From Tokyo?

Q From Tokyo, or from the Southern Army.

A General Muto, Chief of Military Affairs Bureau of the War Department, came, but he left no instructions. Lieutenant General Aoki, Deputy Chief of Staff of the Southern Army, came.

Q Did he give any instructions?

A He left some instructions to General Homma concerning

operations. As far as military administration is concerned, he did not leave any instructions.

GENERAL DONOVAN: The court will recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 28 January 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present, with three members of his Defense counsel. The Prosecution is present, and ready to proceed.

TAKEJI WACHI

recalled as a witness on behalf of the Defense, having been previously duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Resumed)

CAPTAIN CODER: May the witness be reminded he is still under oath?

May the last question and answer be read?

(Record read.)

Q (By Captain Coder) Now, were there any other staff officers who came to Bataan from the Grand Imperial Headquarters?

A (Through Sergeant Osato) Yes.

Q Who was that?

A Colonel Tsuji.

Q What instructions did Colonel Tsuji leave with your headquarters?

GENERAL DONOVAN: Find out who Colonel Tsuji is.

Q (By Captain Coder) Who was Colonel Tsuji?

A Staff officer.

Q From what headquarters?

A Staff officer of the Grand Imperial Headquarters.

GENERAL DONOVAN: Grand Imperial Headquarters, is that right?

SERGEANT OSATO: Yes, sir, that is the Imperial General Headquarters.

GENERAL DONOVAN: All right.

Q (By Captain Coder) What instructions did Colonel Tsuji leave?

A (Through Sergeant Osato) Colonel Tsuji came as a liaison officer for operations and also for governing.

Q Did he report to your headquarters in Bataan?

A Yes, he did.

Q Did he have an interview with you and General Homma?

A Colonel Tsuji just paid his respects to General Homma and to myself and to the staff officers; he spoke to us.

Q What did he say?

A He told me the purpose for his visit.

Q What was that?

A He came for liaison and operations and governings.

Q After this meeting did Colonel Tsuji leave your headquarters?

A Yes, he did leave.

Q Did you hear then any reports from other organizations of Colonel Tsuji having been there?

A Yes, he did go to the other units.

Q What reports did you receive from other units of his visit?

A A report from the 16th Division said that Colonel

Tsuji from the Imperial General Headquarters arrived, and he stated that severe treatment should be meted out to the Philippine population, to the civilian population. However, the 16th Division headquarters rejected Colonel Tsuji's request because they carried out their policies as handed down by the army policies as being magnanimous, which was to treat the prisoners magnanimously.

Q Did you later talk to the commanding general of the 16th Division concerning Colonel Tsuji's visit?

A Yes, I have.

Q What did he tell you about it?

A I do not remember the exact time, but it was after the Bataan campaign when Colonel Tsuji on the west beach of Bataan told me that the Philippine Army which are before you are those people that annihilated your two battalions. Colonel Tsuji threatened the divisional commander to mete out severe punishment toward the Filipinos. The divisional commander replied that those who threw out the arms and surrendered could not be treated in such a way. That is all.

Q Upon receiving the original report from the 16th Division of Colonel Tsuji's visit to them what action did you take?

GENERAL DONOVAN: You had better break that up.

CAPTAIN CODER: Strike that, please.

Q (By Captain Coder) When you received the report from the 16th Division did you take any action as to other units?

A (Through Sergeant Osato) Concerning the 16th Divi-

sion commander's rejection of Colonel Tsuji's command, I O. K.'d that, and also concerning the other units I ordered them not to comply with Colonel Tsuji's command.

Q Did you get any reports that Colonel Tsuji issued orders to commanders along the line of march of the prisoners of war?

A Since Colonel Tsuji made such a request of the 16th Division, it is conceivable that Colonel Tsuji would make other requests and commands on the other units while they are evacuating the prisoners. However, I am not certain whether he did make any demands or requests outside of the 16th Division's request.

Q Did anyone report to you that he had made such requests?

A I just heard that in a course of conversation with the other staff officers, that Colonel Tsuji made other demands besides these previously mentioned.

Q Do you recall specifically who any of these staff officers were that were talked to?

A I know the staff officer who told me about the incident during the conversation.

Q Who was that?

A He is Lieutenant Colonel Matsunaga.

Q Where is he now?

A Up to recently he has been in Tokyo. However, he was supposed to come to Manila, but before leaving Tokyo he committed suicide. I heard he committed suicide.

Q Do you recall the date when Colonel Tsuji was at Bataan?

A Yes, I do.

Q What was that date?

A On April 10 in the afternoon he arrived in Balanga.

Q Do you know when he left the Philippines?

A It may have been the afternoon of the 14th or 15th.

Q Now, returning to the subject of the surrender of the American forces in Bataan, do you know how many trucks the Japanese Army received from the USAFFE forces after the f ll of Bataan?

SERGEANT OSATO: What forces?

CAPTAIN CODER: American Army.

THE WITNESS: (Through Sergeant Osato) I don't know exactly how many trucks the USAFFE had. However, most of the trucks were badly damaged and there weren't any that could be utilized at that moment.

Q (By Captain Coder) Did you make an inspection of such trucks that there were?

A I went to Mariveles several times and on the way I have seen the trucks thrown over the side of the hill and wrecked there.

Q Can you give us an estimate of about how many trucks there were?

A I haven't made a count. However, at the least there must have been 1000.

Q What orders did you give in connection with these trucks?

A I ordered the chief of the ordnance section to repair the trucks as soon as possible, and after that was done to report that to the second section chief and use

trucks for transporting patients and other similar duties.

Q Do you know if any of these trucks were in fact used for transportation of patients?

A Do you mean the repaired trucks or others besides those that were damaged?

Q The ones which were not damaged.

A In evacuating the patients from the second hospital on the southern end of Bataan I ordered the second section chief to utilize the trucks very definitely and clearly.

Q Now, after the surrender of the American forces in Bataan did you have occasion to go along the road where the prisoners of war were marching?

A Yes, I did.

Q Did you observe any soldiers falling along the road on account of sickness, or for other causes -- prisoners of war?

A Yes, I have.

Q What action did you take when you saw that?

A Occasionally there were trucks, Japanese trucks, and cars, going by with loads on them. As much as possible we tried to accommodate the soldiers who fell on the wayside by moving the load on the trucks and cars and placing them on and sending them down to the nearest prisoner of war camp and hand them over to the doctors. In cases where there weren't any trucks and automobiles going by and prisoners were sitting under trees, or who have fallen on the roadside, I had the Japanese soldiers give a hand and carry these prisoners to a place such as beneath the eaves of a building and place them down there.

I also informed the line of communication forces nearby to give as much aid as possible to the prisoners. That is as far as I went. And other things, like feeding and dressing the prisoners, that was left to the line of communication forces.

Q After the fall of Corregidor did you return to Manila?

A Yes.

Q What duties did you have at that time?

A Still the Army chief of staff.

Q Were you engaged in redeploying the forces of the 14th Army among the Philippine Islands?

A Yes, I did. In fact, it was done while we were still in Bataan.

Q Now, the period of time, during the period of time from March 1st, when you became chief of staff, to May 9th, when you returned to Manila, did General Hayashi ever consult you about administrative policies?

A No, he didn't.

Q Do you know if General Hayashi ever consulted General Homma during this period of time?

A Will you repeat the question?

Q Do you know if General Hayashi ever consulted General Homma during this period of time?

A No, I don't know.

Q Did General Hayashi ever consult with General Homma through you?

A There wasn't.

GENERAL DONOVAN: What is the answer to that?

INTERPRETER ONONDERA: There is a language difference there. He said, "Was there a time?", instead of "Did you?" And so the answer would be that there wasn't.

GENERAL DONOVAN: That is all right.

Q (By Captain Coder) Did General Homma ever express to you his confidence in General Hayashi?

A (Through Interpreter Osato) "He is very conscientious and works very hard. However, many times he does things which lack common sense," said General Homma.

Q Did General Homma ever express to you his policies in

connection with civilian administration?

A In July, when I held the post of military administrator and chief of staff concurrently, General Homma called me in and explained to me many things.

Q What were the policies which he explained to you?

COLONEL MEEK: Can we have a date on this, please?

CAPTAIN CODER: The last answer said it was in July.

A (Through Interpreter Osato) He explained to me the especially important part of the outline of governing the Philippines. He said to love the people from your heart, otherwise you would lose all of the people and they would become your enemies.

Q (By Captain Coder) Did he say anything about respecting the modes of life, the manners, customs, and religion, of the civilians?

A Since the landing in the Philippines General Homma has always stressed the fact to respect the modes of life, customs and religion of the people.

Q Did he explain anything to you about the time element involved in his administration policy?

I will state that in another way.

Did he say anything about the length of time which it would take to successfully administer the Philippines?

A It is not two or three months, but a considerable length of time that will be required to successfully govern the Philippines.

Q Now, what did he say as regards anti-Japanese elements?

A Will you repeat that question again, please?

Q What did he say in regard to anti-Japanese elements?

A General Homma asked why are they anti-Japanese? Are we misunderstanding the Filipinos or are the Filipinos misunderstanding us? By mutual relationship and understanding of each other these anti-Japanese movements will automatically cease.

Q When did General Homma first make known to you his intention of releasing Filipino prisoners of war?

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with all of his Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN CODER: Will you please read the last question?

(Record read.)

A (Through Major Pratt) He wrote it to General Maeda; it was around the 9th of May that General Maeda returned, and it was right after that that he told me.

Q (By Captain Coder) Who was General Maeda?

MAJOR PRATT: May I make a correction there?

"As soon as he came back to Manila -- he came back on the 9th of May and informed me immediately after that."

CAPTAIN CODER: Strike that question about General Maeda.

GENERAL DONOVAN: Strike the last question.

Q (By Captain Coder) When was that, then, put into effect?

A (Through Major Pratt) We reported it to Tokyo. I

received permission at the end of May. The first ones were released at the end of May, and from June on those who were sick and who might recover if they were released were sent out.

Q Did he tell you his reasons for releasing the Filipino prisoners of war?

A Yes.

Q What were those reasons?

A Rather than being cared for in the internment camps they were returned to their own homes. There they would be with their mothers and fathers to look after them. There would be fresh fruits and good food to eat, and if they had malaria they should be given malaria medicine or pills.

Q Were other prisoners of war beside the sick also released?

A Yes, they were.

Q Did General Homma tell you his reasons for releasing such prisoners?

A Yes, he did.

Q What were his reasons?

A In the first place, for what reason did the Philippine forces fight on Bataan? That reason was that in 1946 they were to be independent, and now they are on their way to independence, but if they were defeated they would not be independent. Independence is the thing that the Filipinos had wanted for a long time, and in order to gain it they had to win the war, and so they fought for it and they died for it, and it was for the love of their country.

GENERAL DONOVAN: We are not interested in any more of

this type of testimony.

Q (By Captain Coder) Did you ever make any inspection trips of prisoner of war camps in the Philippines?

A Yes, I have.

Q When did you make them?

A In the latter part of June and the middle of July.

Q What camps did you inspect?

A I went to visit three. No; I planned to visit three. The first problem was the housing matter. It rained a great deal, and I wished to know whether the existing housing conditions were adequate or not.

The second was the water situation. The matter of getting water was of great inconvenience or great trouble.

The third thing was that a large number of people, sick people, died daily, and I wanted to know how they were to be buried.

Q What camp did you visit?

A Camp O'Donnell.

Q What conditions did you find there?

A The situation was improving through the cooperation of the Camp Commandant, the Medical Section, the Intendance Section, and the Section 2 of the staff.

Q Did you find any unsatisfactory conditions there at that time?

A Yes, I did find some unsatisfactory conditions.

Q What were those conditions?

A The first matter was the housing. The weather was good, but the rainy season was coming on and there were no floors in the houses. The floors were not adequate in the

houses. And furthermore, when the prisoners went to the latrine they had -- they got their feet wet, and it was bad for their health, so I cautioned them to put down some boards to remedy the situation.

As for the water, there were three pumps, but one was out of commission, so I ordered them to repair it immediately.

The cemetery was well laid, or well laid out, and was well kept, but as they were buried individually the people would have had to pay their respects individually, so in order to make this situation better I had a monument erected for all of them.

Q Was that inspection trip at the end of June?

A I was ordered by the Army Commander to go to Tokyo to report on the war prisoner situation, so I went immediately to see the situation. This was the latter part of June.

Q On your return from the inspection trip what corrective action did you take?

A On my return to Manila I called together the two sections, Medical Section and the Intendance Section, and ordered them to correct the conditions.

Q Did you instruct them to draw the plans for the improvement of conditions at Camp O'Donnell?

A Do you mean to the staff?

Q Yes, to the staff.

A Yes, I ordered that.

Q Was such a plan then drawn up?

A Yes, it was drawn up.

Q Do you know if it was later put into effect?

A Yes.

Q You stated that you again made an inspection trip in the middle of July. Did you again visit Camp O'Donnell at that time?

A Yes, I did.

Q What conditions did you find at that time?

A The things which I had ordered for the most part were carried out.

Q What about the water supply? Had that been improved?

A Yes, it was better.

Q Do you know how many prisoners of war were at that time at Camp O'Donnell?

A I am not exactly sure, but I think it was a little less than 50,000.

Q Had there been more previous to that, who had been moved out?

A There were many who died.

Q Do you know what the food supply was at Camp O'Donnell?

A From the end of April to mid-May it was bad, but the camp commandant reported to me that it improved after that.

Q Do you recall anything concerning the execution of Judge Santos?

A In the middle of April, while I was still on Bataan, I received the following message from General Homma -- rather, I heard the following story from General Homma about Santos: I heard from General Homma that Major General Hayashi, the Chief of Military Administration, had come a short time before and told him that Santos had been taken on Cebu by the Kawaguchi Detachment, and so General Homma told General Hayashi that nothing should happen to Mr. Santos.

GENERAL DONOVAN: Let's read the answers to the last two questions. Maybe we could shorten it up.

Was the gist of that that Judge Santos had been captured on Cebu by this detachment, and that General Homma told Hayashi to be sure that nothing would happen to him?

CAPTAIN CODER: Yes, sir.

GENERAL DONOVAN: That is all I want.

GENERAL TRUDEAU: On the 5th of April?

CAPTAIN CODER: Yes, sir.

Q (By Captain Coder) Did General Homma give any reason to General Hayashi why he wanted nothing to happen to Mr. Santos?

A (Through Major Pratt) It was because Santos was an important man in the Philippines.

Q Did General Homma express any plans which he had for the use of Santos in the future government in the Philippines?

A At that time, I did not hear anything about that.

Q Did you later hear of his plans?

A Yes, I heard later, in July.

Q What did you hear at that time?

A In July, when I became Military Administrator, I was informed about this.

Q In what manner? How were you informed?

A It was unfortunate that Santos was executed, and he cautioned me that although Roxas was pro-United States and anti-Japanese --

GENERAL DONOVAN: Just a minute.

We don't want all that. What has that got to do with

it? Up to the moment, we have the idea that Homma didn't want Santos killed.

Is that correct?

CAPTAIN CODER: Very well, sir.

GENERAL DONOVAN; And he told him. Now we are getting involved in Roxas -- politics; we don't want that.

CAPTAIN CODER: Very well.

Q (By Captain Coder) From the period 2 May to 5 May 1942 where were you?

A (Through Major Pratt) I was on Bataan.

Q Was General Homma with you at that time?

A Yes.

Q Do you recall if General Homma was interviewed by any Filipino civilians during that period?

A No, he was not interviewed.

Q Did you know a Mr. Laurel of the Filipino Government?

A On the 9th of May I met him in this room, for the first time.

Q Did Mr. Laurel come to Bataan, or did he interview General Homma during the period 2 May to 5 May 1942?

A Absolutely not.

Q If any Filipino civilians would have wanted to see General Homma, would they have had to see you first?

A Yes.

Q When did you first learn of the death of Mr. Santos?

A In the middle of June I heard some rumor about it.

Q When did you find out for sure about it, that he had been executed?

A I knew definitely in the first part of July.

Q Do you know if an investigation into the death of Justice Santos was started by General Homma?

A Yes, I know.

Q Do you know about when this investigation was started?

A It was on the 4th or 5th of July. The first investigation was made on Cebu.

Q Did you receive any reports of the result of that investigation?

A As a result of this investigation I learned that he was not executed on Cebu, and that the investigating group had gone to Cotabato, Mindanao.

Q Did you get any further reports from this investigation?

A Just about the time this group arrived at Cotabato, I had to go to Singapore to report to General Terauchi, so I did not learn the results of the investigation.

GENERAL DONOVAN: I would like to know which way we are projecting now, what we are trying to do now with this line of questioning.

CAPTAIN CODER: I am trying to establish the fact that the Accused here started an investigation into the death of Justice Santos.

GENERAL DONOVAN: Could you get on to the investigation part of it? About the fact that he went to Singapore, we don't care.

CAPTAIN CODER: Very well, sir.

Q (By Captain Coder) Do you know what happened to the investigation after that?

A I returned from Singapore on the 1st or 2nd of August,

and I then learned that he had been executed.

Q Was the investigation ever completed?

A Yes, it was completed. I found out when I returned, but the complete report was made up by the middle of August.

Q At that time General Homma had returned to Tokyo, is that correct?

A General Homma had returned to Tokyo, and General Tanaka had become his successor.

Q Did you ever inspect Fort Santiago?

A No, I never did.

Q Why didn't you inspect Fort Santiago?

A My past experience as Chief of Staff in Taiwan was that when I investigated an M.P. unit I received a warning from the M.P. officer, commanding general, not to interfere; so when I came to the Philippines I left the M.P.'s alone.

Q I want to recall to your mind your testimony of earlier today, about Colonel Tsuji. Did you ever have a conference with Colonel Tsuji yourself?

A Yes, I have.

Q Will you tell us briefly what took place?

COLONEL MEEK: When was this? Can we have a date, please?

Q (By Captain Coder) Also tell us what date this conference took place.

A (Through Major Pratt) It is not exactly a conference. I just met him.

Q Will you state the date when this occurred?

A The afternoon of the 10th of April.

Q And what did he tell you?

A He discussed his purpose for coming to Bataan.

Q We had that this morning. I want you to tell me any specific instructions which Colonel Tsuji gave you, if any.

GENERAL DONOVAN: You can go ahead and tell him about what, if you want to, so we can get on with it.

CAPTAIN CODER: Very well. I will see what develops here.

A (Through Major Pratt) He came to my quarters on the 10th, and he said he came as a liaison officer for the operation --

GENERAL DONOVAN: Wait just a minute. We got all that today, too.

CAPTAIN CODER: Yes, sir.

Q (By Captain Coder) Did he tell you how prisoners of war were to be treated, according to his policy?

A Tsuji expressed the following opinion: He said that the Filipinos, the young Filipinos who fought on Bataan, were returned to the country, and will become the heroes of each little village, and it would give rise to an anti-Japanese sentiment; and therefore Tsuji said it would be better to deal with them severely.

GENERAL DONOVAN: That is the same thing he told those other people, is that right?

CAPTAIN CODER: Yes, sir.

GENERAL DONOVAN: Have you anything else on that particular thing?

THE WITNESS (through Major Pratt): And at that point I absolutely opposed him. The reason was that his family, his friends and his village would hate the Japanese forever.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: There will be a 15-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with four members of Defense counsel. The Prosecution is present, and we are ready to proceed.

CROSS EXAMINATION

Q (By Colonel Meek) Do you understand the English language?

A (Through Interpreter Onodera) No, I do not.

Q Now, you were serving with General Homma from March to November, 1941, in Formosa?

A Yes, I was with him.

Q What was General Homma's duties at that time in Formosa?

A He was commander of the Formosa Army, the Taiwan Army.

Q What were your duties?

A I was chief of staff.

Q Was the Taiwan garrison being trained for the invasion of the Philippine Islands at that time?

A The Formosa Army was not being trained.

Q That isn't the question. The question was: Was the Taiwan garrison being trained, the troops under Homma's command, were they being trained for the invasion of the Philippine Islands at that time, up to November of 1941?

A Part of the unit was, part of the force was.

Q What part of the force was being trained for the invasion of the Philippine Islands, and during what time?

A The 48th Division, I think it was, after we entered the month of November that the training began.

Q How many of General Homma's staff accompanied Homma on the invasion of the Philippines that were with him at Taiwan?

A Just one.

Q Which one?

A Haba.

Q Where did you serve from November 1941 to March 1942?

A I remained in Formosa and continued as chief of staff of the Formosa Army.

Q When did Maeda become chief of staff for Homma?

A It was in November; I don't remember the exact date. It was just before the beginning of the war.

Q Now, you have stated that Sato, I think it was, brought a message to Saigon that Maeda was not satisfactory to Homma.

A It was not Sato; it was Major General Wakamatsu of the General Affairs Section of the War Ministry.

Q Did that message also state that Homma wanted you to be his chief of staff in the Philippines?

CAPTAIN CODER: If it please the Commission, my recollection of the record is that General Homma sent no message concerning his chief of staff at all. This is quite misleading to the witness.

COLONEL MEEK: My understanding is this message came from Tokyo. That Homma's chief of staff was not satisfactory and they wanted a new one.

CAPTAIN CODER: If I recall your question correctly you asked if General Homma, whether a staff member of General Homma had sent a message.

COLONEL MEEK: He said that wasn't true. He said that someone came from General Headquarters with a message.

CAPTAIN CODER: Yes, that is correct.

COLONEL MEEK: My last question was that this messenger that brought the message about Homma's then chief of staff being unsatisfactory, did Homma request this man to become his chief of staff.

I will rephrase the question.

Q (By Colonel Meek) Did this message also state that Homma wanted you to come and be his chief of staff again?

A (Through Interpreter Onodera) I do not know.

Q Who ordered you to join Homma's staff?

A The chief of the general staff.

Q When did you report to Homma's staff?

A I arrived on the 1st of March.

Q Where was his headquarters at that time?

A At San Fernando.

Q Now, about that time you started what you termed the second offensive on the Bataan Peninsula. What was the date that you started the second offensive on Bataan?

A The attack began on the 3rd of April.

Q Where was Homma's headquarters at that time?

A At Orani.

Q When did the headquarters move from San Fernando to Orani?

A I don't remember exactly. I think it was the 27th or

28th of March.

Q How long did your headquarters stay at Orani?

A I think the headquarters was there at Orani until the 7th or 8th of April.

Q Now, then, coming to this map, will you indicate approximately the Japanese front lines at that time?

A (Through Major Pratt) Generally speaking, it was this line (indicating).

COLONEL MEEK: Indicating from the Town of Moron to Abucay; Abucay to Moron.

THE WITNESS: (Through Major Pratt) It was south of Abucay, about half way between Balanga and Abucay.

Q (By Colonel Meek) This was on what date?

A (Through Major Pratt) The 2nd of April.

Q How long prior to that time had there been any American troops north?

A There were practically none at this time. There were a few guerrillas scattered in here; guerrilla groups scattered in here.

GENERAL DONOVAN: Indicating what?

COLONEL MEEK: Indicating around San Marcelino and the high ground to the west of Porac.

GENERAL DONOVAN: You had better ask him to point that out.

MAJOR PRATT: It was pointed out, sir.

Q (By Colonel Meek) Had there been any fighting of American troops down the line from San Fernando to Orani? Withdraw that question. During the period prior to the 3rd of April 1942, had there been any fighting between

Japanese and American troops in the area from Orani up to San Fernando?

A (Through Major Pratt) No, there was not.

Q Now, you say that -- strike that. On what date was it that you received word from General King that he wanted to surrender his forces?

A I don't remember the hour exactly, but it was before noon on the 9th of April.

Q Where did you receive that notice?

A I was at Balanga.

Q Was General Homma's headquarters at Balanga at that time?

A Yes.

Q Where were they located in the Town of Balanga?

A In the interior of Balanga, as you go in to the right there is an elementary school there; that was the army headquarters.

Q How far is that off of the main highway that goes to Balanga?

A On the map the direct distance from the highway to the headquarters would be 500 or 600 meters.

However, actually going around the road it would take considerable time to get there.

Q Now, going back to the surrender: Who informed you that General King wanted to surrender?

A Staff Member Nakayama.

Q Did you inform General Homma?

A Yes, I did.

Q What instructions did General Homma give you?

A General Homma immediately designated Nakayama as the representative of the Japanese Army and dispatched him to see General King.

Q What instructions did he give him?

A Pardon?

Q What instructions did he give as to the terms of the surrender?

A He instructed Nakayama to ask for the surrender of all the troops in the Philippines, the Far Eastern Forces. He did not know whether at that time if that was possible, but he nevertheless instructed him to try.

Q Failing in getting the surrender of all the troops in the Philippines, what were his further instructions?

INTERPRETER ONODERA: You mean if they failed?

COLONEL MEEK: Let me rephrase it. I will withdraw it completely.

GENERAL DONOVAN: Take your time.

Q (By Colonel Meek) Did not you and General Homma know that General Wainwright was then the commander-in-chief and that General King was not commander of the Philippines?

A (Through Interpreter Onodera) We knew it. Our intention was that if we told General King, General King will relay the message to General Wainwright.

Q Did Colonel Nakayama accept the terms of surrender from General King?

GENERAL DONOVAN: Who was that?

INTERPRETER ONODERA: Nakayama.

A (Through Interpreter Onodera) Nakayama accepted

General King's terms that the troops on Bataan will surrender.

Q (By Colonel Meek) What were the terms of surrender?

A There was no special conditions.

Q Did your Colonel when he returned make a report on the conference with General King, the meeting with General King?

A Yes, he reported.

Q Did he report to you as chief of staff that General King had saved his trucks and other vehicles to help in the transfer of the prisoners of war to concentration camps?

A No, there was no mention of that at all.

Q Was there any mention made that General King had destroyed his munitions and cannons?

A No, I did not hear of that.

Q Was General King brought to Balanga that night?

INTERPRETER ONODERA: I beg your pardon?

Q (By Colonel Meek) To Homma's headquarters on the night that he surrendered?

A Yes, he was brought.

Q Did you question him that night?

A No, I did not meet him. Instead another staff member who spoke English met him.

Q Did you instruct that staff member who spoke English as to questions you wanted asked of General King?

A No, I did not.

Q As chief of staff do you know whether any instructions were ever given to General King as to how the prisoners of war were to be evacuated to the rear?

A We did not give any instructions to General King because we did not hold General King responsible for the evacuation of prisoners.

Q Who did you hold responsible for evacuation of prisoners to the rear?

A Do you mean on the Japanese side?

Q Yes.

A Major General Kawane, chief of the line of communications section.

Q He performed that duty under orders from General Homma, did he not?

A Yes.

Q Do you know as chief of staff if General Homma ordered the Filipino and American prisoners of war be marched from where they were captured as far as Mariveles to San Fernando?

GENERAL DONOVAN: Just a moment.

COLONEL MEEK: I will withdraw the question.

Q (By Colonel Meek) Do you know whether General Homma ordered that prisoners be marched to San Fernando?

A Yes, I do; I know.

Q Do you know what provisions had been made to feed the prisoners of war on that march?

A They were to be fed at Balanga, Orani, Abucay and at San Fernando, and we gathered as much rations as we can at these points.

Q On the surrender of the American troops did they surrender any rations?

A No, American troops did not give us any rations.

Q Do you know whether any rations were taken away from

the American troops by the Japanese?

A There were hardly any. We could take it if we tried, if we wanted to.

Q The question is, do you know whether they did take any?

A No, they did not.

Q Now, you state at the towns you mentioned they had food supplies. What did they have in the way of food supplies?

A Principally rice.

Q Now, looking at the map again, Just sit still. I understand that Orani was the last place until they reached San Fernando that you had a place to feed the prisoners, is that right?

A I made a mistake. It was Lubao.

Q Now, name the towns again.

A Balanga, Orani, Lubao, San Fernando.

Q What arrangements did you make for medical supplies and medical inspection of these prisoners of war on the march?

A I don't remember the details right now, but at first we placed what few medical officers we had in the line of communication outfit at these places. Later because the number of patients was so great I think that the medical officers from the other units were reinforced to aid in this problem.

Q Where along the line of march did you have these medical aid stations?

A I think that they were at the places I mentioned

where they had the feeding facilities.

Q What orders did General Homma give for the movement of the sick and wounded on this evacuation movement?

A I do not remember.

Q Did he give any orders for the movement of sick and wounded?

A I think there were some, but I don't remember. I believe there were some.

Q I believe you have testified that during the period of this evacuation you traveled up and down the road between Orani, Balanga and San Fernando, is that right?

A Yes.

Q About what dates and how many times did you make that trip?

A I think it was on the 11th or 12th of April. I went to Mariveles, then three or four days later I went to Mariveles again. Then a little later I went to Cabcaben. All of these I went from Balanga.

Q How about from Balanga to San Fernando?

A As to the trip from Balanga to San Fernando, I had some business to attend to down at, the place where he pointed, Cavite, and I went from Balanga up to San Fernando and then came down towards the right.

GENERAL DONOVAN: What date?

A I think it might have been on the 16th of April, the first time, and the next time was after the 20th.

GENERAL DONOVAN: Will you read back the last three questions and answers?

(Record read.)

GENERAL DONOVAN: Just a minute. Is this witness a prisoner of war?

COLONEL MEEK: I very candidly do not know his status. He came here as a civilian status.

GENERAL DONOVAN: Is he a prisoner of war?

CAPTAIN CODER: He is in custody, sir.

GENERAL DONOVAN: Where is he confined?

CAPTAIN CODER: He is being held in the stockade here.

GENERAL DONOVAN: The Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 1620 hours, an adjournment was taken until 0830 hours, 29 January 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XX

PAGES 2508 TO 2577

MANILA, P. I.

DATE 29 January 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
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COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

High Commissioner's Residence,
Manila, P. I.,
29 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETERS FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Takeji Wachi (resumed) (By the Commission)	2548	2508	2545	2563
Yoshio Nakajima	2565			

EXHIBITS

DEFENSE EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
B	2570	2570

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

At this time, if the Commission please, I would like to swear in another interpreter.

(Whereupon Staff Sergeant Shigeo Morisato was sworn in as an Interpreter for the Commission.)

TAKEJI WACHI

a witness on behalf of the Defense, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters 1st Lieutenant Huston, 2nd Lieutenant Onodera, and S/Sgt. Morisato:

CROSS EXAMINATION (resumed)

COLONEL MEEK: Will you inform the witness that he is still under oath?

(Whereupon Lieutenant Huston advised the witness that he was still under oath.)

COLONEL MEEK: I wonder if we can have the last three or four questions read back.

(Record read.)

Q (By Colonel Meek) On the trips from Balanga to Mariveles were you accompanied by anyone?

A (Through Interpreter Onodera) No; just the Adjutant.

Q What time in the day did you make these trips?

A I usually left at eight or nine o'clock in the morning and I went on these trips by automobile.

Q On the trips on the 11th and the 12th of April, from Balanga to Mariveles, did you see any prisoners of war being evacuated along the road?

A Yes, I did.

Q Were they under guard?

A Yes, there were one or two guards.

Q Did you observe how the prisoners were dressed?

A I don't remember what kind of clothes they had on, but the clothes were tattered and torn.

Q Were any barefooted?

A I did not notice; I did not observe that closely.

Q Did you see any dead bodies along the road?

A No, I did not.

Q On the trip that you made about the 16th from Balanga to Mariveles did you see any dead bodies along the road at that time?

A No, I did not.

Q On the trip you made from Balanga through San Fernando on or about the 16th of April, did you observe prisoners of war walking along the road at that time?

A I don't remember clearly as it happening on the 16th, but I did see prisoners walking, plodding along in bunches in there.

GENERAL DONOVAN: Let's get that again.

THE WITNESS (through Interpreter Onodera): I don't remember this clearly, whether this happened on the 16th or not, but I did see prisoners plodding along the road in bunches.

COLONEL MEEK: Trodding?

LIEUTENANT ONODERA: "Plodding along."

Q (By Colonel Meek) Where do you remember seeing those prisoners?

A There is a place called Hermosa, and I saw them walking northeast from there.

Q Did you just see this one group of prisoners on that day?

A No, there were several groups of these prisoners, probably about 100 prisoners with one guard, and they were walking along in bunches, here and there on the road.

Q Did you observe any prisoners fall out of the march?

A No, I did not. They were walking slowly, very slowly.

Q Did they appear exhausted?

A Yes, they appeared exhausted, both the guards and the prisoners.

Q On either of your trips from Balanga to San Fernando, on the 16th of April, or the 20th of April, did you see any dead bodies along the road there?

A No, not at all; none at all.

Q As chief of staff for General Homma were you ever informed of any atrocities committed by the Japanese Army against prisoners of war during the march from Mariveles up to San Fernando?

A No, I have never heard of it.

Q How many prisoners of war made the march from Mariveles, Balanga, and that territory, to San Fernando?

A About sixty or seventy thousand.

Q As chief of staff did you ever receive any report of any deaths of prisoners on that march?

A Do you mean that died of illness?

Q Died of illness or any other causes.

A I heard later that there were some who died.

Q About how many, did you hear?

A I don't remember the number, but it wasn't many.

Q What was the cause of death?

A The cause of death was that their bodies were so weak and they were so exhausted, and in some cases malnutrition, and they were unable to keep on the march.

Q Was any report ever made to you as chief of staff of the execution of prisoners of war for an attempt to escape, or any other reason?

A At the time I did not receive any reports. However, in the latter part of February, 1943, the United States Government, through the Swiss Government, presented a protest to the Japanese Government, and this protest came to the Army Headquarters. Upon receiving this protest I immediately dispatched a few people to investigate the matter, and I received the answer that although there were misunderstandings due to the language difficulties, there were no cases of willful atrocities or mistreatment.

GENERAL DONOVAN: Will you read that last question and answer, please?

(Question and answer read.)

Q (By Colonel Meek) Did that investigation show that prisoners of war were executed on the march?

A The protest from the United States did not mention that anyone was executed. I did not think there was any, and upon investigation I found no cases of executions.

Q Did General Homma ever drive over the route of the march from his headquarters at Balanga towards Mariveles?

A He did not travel on that road while the march was going on. However, after the march he did go down to Mariveles in order to get to the front line at Bataan.

Q Did he ever drive over the road from Balanga to San Fernando?

A General Homma went down from Balanga to Cabcaben, then came back to Balanga, and a few days later went up to San Fernando, and then up to Stotsenberg.

GENERAL DONOVAN: Is that "Stotsenberg"?

THE WITNESS (through Interpreter Onodera): Yes.

GENERAL DONOVAN: Are you sure?

LIEUTENANT ONODERA: Yes.

GENERAL DONOVAN: Well, find out for sure. It is not on the map, but if he said it is Stotsenberg, that is all we want to know.

LIEUTENANT ONODERA: Yes; Stotsenberg.

If it please the Commission, it is difficult to ask him about the pronunciation, because the Japanese pronunciation is only one way.

GENERAL DONOVAN: All right.

Q (By Colonel Meek) What date was that?

A I don't remember it clearly. He went down south and it was after that.

Q Was it during the time that the prisoners of war were being evacuated along that road?

A I think it was about towards the end of March.

Q What arrangements were made at San Fernando to move the

The Commanding General
United States Army Forces of the Western Pacific
requests the honor of the company of
Maj. Gen. L. Donovan
at Cocktails and Buffet Supper
on Friday. 1st February
at six-thirty o'clock
R.S.V.P. 123 Santa Mesa
46360

Maj. Gen. L. Donovan

I will accept for you.

prisoners to Camp O'Donnell?

A Prisoners were to be transported by the train from San Fernando to Camp O'Donnell. Prisoners were gathered at the wide space, open space next to the school. I saw that myself.

Q How many prisoners did you see in that place?

A The whole playground was full of prisoners. I do not know the number.

Q Did you inspect that area?

A Do you mean did I get out from the car and look over the area?

Q Yes.

A No, I did not dismount from the car.

Q Did you observe the conditions of the prisoners?

A I think that they were in better condition, a little better condition than when they were marching.

Q Who selected the commanding officer for the camp at O'Donnell?

A There were two commandants at Camp O'Donnell. The first one was appointed by the chief of the Line of Communications Section. However, he proved unsatisfactory, and General Homma reported the matter to Tokyo, and subsequently the next commandant was selected.

Q Who was the first camp commander at O'Donnell?

A Captain Tsuneyoshi.

Q Who was the chief of communications that appointed him?

A Major General Kawane.

Q Was that with Homma's knowledge and consent?

A It was not a question of getting permission from General Homma. It was his duty to appoint the commandant, so he appointed the commandant from one of his subordinates, then later reported that matter to General Homma.

Q Did General Homma approve the appointment?

A After the report came in to General Homma, General Homma dispatched a number of his staff members to Camp O'Donnell to investigate. Then later he decided that Captain Tsuneyoshi, who was commandant, did not have -- was not intelligent enough to carry out the duty, and subsequently took action.

Q The question I asked, did General Homma approve the appointment made by Kawane? That requires a yes or no answer, and not a long explanation.

A Yes, he approved it.

Q How long did Tsuneyoshi remain as commander of O'Donnell?

A Until the time Lieutenant Colonel Ito came.

Q About what date was that?

A I don't remember exactly.

Q Was it before or after these inspections that you made that you told about?

A It was before I made the inspection.

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A Until the time Lieutenant Colonel Ito came.

Q About what date was that?

A I don't remember exactly.

Q Was it before or after these inspections that you made that you told about?

A It was before I made the inspection.

Q Then who was in command at O'Donnell when you made your inspections?

A It was Ito.

Q After the surrender on Bataan, what plans were made for keeping the prisoners of war?

LIEUTENANT ONODERA: For housing?

COLONEL MEEK: Housing, yes.

A (Through Interpreter Onodera) Before the attack on Bataan was carried out, we had already decided on the place of internment, and this was in the latter part of March. We decided Camp O'Donnell as being the suitable place, and had sent a member of the staff to observe the situation over there.

Q (By Colonel Meek) Did General Homma approve that selection?

A Yes.

Q How many prisoners of war -- strike that.

What was the capacity of O'Donnell?

A According to the report made by the member of the staff who had investigated Camp O'Donnell, about from thirty to forty thousand prisoners could be placed in there.

Q Who made that inspection and that report?

A Takatsu.

Q After the surrender, and you had 70,000 prisoners of war, what other arrangements were made?

A We made arrangements to build a number of barracks, and also the American prisoners were moved to Cabanatuan in order to lessen the number at Camp O'Donnell.

Q How long did the American prisoners stay at O'Donnell before they were moved?

A I don't remember exactly.

Q Do you recall the dates on which you inspected O'Donnell?

A It was in the latter part of June. It was just before I went to Tokyo, so it must have been after the 20th.

Q That was the first inspection trip?

A Yes, it was.

GENERAL DONOVAN: Was that 1942?

COLONEL MEEK: Yes, sir, 1942.

Q (By Colonel Meek) Did you inspect both the Philippine and the American part of that camp?

A No, I only looked at the Filipino P. W. side. Lieutenant Colonel Ito took me around, and I just followed him around as he showed me the way.

Q Your concern was, then, with housing, water conditions and burial of Filipinos only, is that right?

A No, it wasn't necessarily the problems of the Filipinos only, but the conditions of the Filipino side were worse, and I looked at the bad side.

Q How do you know that the Philippine side was worse than the American side?

A Lieutenant Colonel Ito told me so.

Q That is all you know about it?

A Yes.

Q Did you talk to any of the prisoners?

A No.

Q Did you observe any of the meals being served to

the prisoners?

A No, I did not.

Q Did you go into the Philippine hospital at O'Donnell?

A No, I did not.

Q What did you do?

A I went there to just get a rough idea of the general situation. The details of the situation were to be handed in in written reports, but it was necessary for me to at least know the general situation, and that was the reason that I went there.

Q That is, the general situation as to housing, water supply and where they were burying them?

INTERPRETER ONODERA: Will you repeat that, please?

Q (By Colonel Meek) That is, the general situation as to how they were housed, their water supply and where they were being buried?

A (Through Interpreter Onodera) Yes.

Q How long were you at O'Donnell on this first inspection?

A About one hour and a half.

Q Did you eat a meal there?

A No, I did not.

Q How many prisoners of war were imprisoned at that time?

A I don't remember exactly. I just remember the situation of the death rate.

Q What was the death rate?

A On the wall of the commandant's office there was a chart in graph form, showing the death rate, and when I

went there the line showing the death rate was coming down.

Q Were you sent there by Homma to make this inspection?

A Yes.

Q Did you report to him when you had finished the inspection?

A Yes, I made a report.

Q What did you tell him?

A General Homma told me that "when you reach Tokyo and if you are asked about the conditions at O'Donnell, tell them what you know, and a detailed report, written report, will be sent to Tokyo later."

Q What did you tell Homma? I am not concerned with what you were going to do when you got to Tokyo. What did you report to Homma?

A I told him all the things that I noticed which were unsatisfactory.

Q That was the housing, the lack of water and not enough room to bury them?

A Yes.

Q Did you make any report to him as to how they might stop the death rate?

A No, I did not make that report, because I am not a medical officer and I didn't know the way to stop them.

Q Did any medical officer make any report to you, as chief of staff, or to General Homma as the commanding general, as to the medical conditions?

A Yes, occasionally there were reports.

Q What was done about it?

A The chief of the Medical Affairs Section was told to take necessary measures to remedy the situation.

Q Were any reports made to Homma's headquarters as to the lack of food and clothing?

A Yes, we did receive reports.

Q Received reports that there was a lack of food and clothing?

A From the middle of April and to and through May, the conditions were bad, but from June it was improving, or it had improved.

Q Were inspections made by you or any other staff members of Santo Tomas, Camp John Hay or Bilibid?

A The camp that I personally went was Santo Tomas. The other camps were visited, inspected by staff members.

Q How often did you go to Santo Tomas?

A While General Homma was in command I only went once.

Q Did you report back to Homma conditions at Santo Tomas?

A Yes, I did.

Q What was your report?

A I reported that the people inside of Santo Tomas prison were, on the whole, satisfied with the conditions.

Q At the time you made your inspection at Santo Tomas, was the Japanese Army feeding them or were they providing their own food?

A I don't remember definitely. However, the P. W.'s inside were able to buy food from outside.

Q Was the Japanese Army supplying hospital facilities and medicine?

A The chief of the Medical Affairs Section was told to take necessary measures to remedy the situation.

Q Were any reports made to Homma's headquarters as to the lack of food and clothing?

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A I don't remember definitely. However, the P. W.'s inside were able to buy food from outside.

Q Was the Japanese Army supplying hospital facilities and medicine?

A I don't remember.

Q Do you know whether the Japanese Army ever did supply any hospital facilities or medicine at Santo Tomas?

A I don't remember.

Q As a matter of fact, they did not; isn't that true?

A I don't know.

Q Were inspections made of Camp John Hay by members of Homma's staff?

A I don't know.

Q You knew there was a Camp John Hay where civilians were interned?

A I don't know.

GENERAL DONOVAN: At Baguio.

Q (By Colonel Meek) Camp John Hay, for your information, is up at Baguio.

A I know that.

Q You remember, then, that you did have some civilians interned at Camp John Hay, which is close to Baguio?

A Yes, I knew.

Q Do you know whether the Japanese Army fed or clothed or furnished medical supplies for that internment camp?

A I don't know.

Q Was the Japanese Army responsible for the care of civilian internees at both Santo Tomas and Camp John Hay?

A Yes, I know.

Q They were responsible?

A Yes.

Q Were any reports ever received at Homma's head-

quarters as to conditions at both Santo Tomas and John Hay?

A I don't remember.

Q As chief of staff, if reports were made they would come to your office?

A It will come to the chief of the Second Section.

Q Will it stop there or will it come on up to Homma?

A If the chief of Second Section deems it necessary to send the report up, it will come to me, but if the problem is not of major action the report will stop there.

Q How about conditions in the prisoner of war camps; where were reports made on them?

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present, the Accused is present with all members of Defense counsel. Prosecution is present, and ready to proceed.

Will you read back the last two questions and answers?

(Record read.)

A (Through Interpreter Onodera) Occasionally there were reports.

Q Did they come to your and General Homma's attention?

A It came to the chief of the Second Section, then it came to me, and then to General Homma.

Q Were inspections made of Cabanatuan Prison Camp?

A No.

GENERAL DONOVAN: Read that question back.

(Question read.)

Q (By Colonel Meek) Were reports ever received at O'Donnell or Cabanatuan concerning the execution of any prisoners of war?

A There were no reports at the time.

Q Did you, as chief of staff, ever learn of any executions at either prisoner of war camps?

A I heard about it away after the time -- after General Homma was relieved and Lieutenant General Tanaka took over command.

Q Did the executions that you heard about occur during the time that General Homma was in command?

A I don't remember, but it probably was.

Q What was the total number of executions that you learned about?

A I faintly remember that there was one case that I heard about. I heard about this away after the actual incident.

Q What was he executed for, if you remember?

A I heard that the prisoner of war attempted to escape.

Q Did General Homma publish the order that was displayed in all prisoner of war camps, that when one prisoner escaped ten would be executed?

A Absolutely not.

Q Who did publish that order?

Q Did they come to your and General Homma's attention?

A It came to the chief of the Second Section, then it came to me, and then to General Homma.

Q Were inspections made of Cabanatuan Prison Camp?

A No.

GENERAL DONOVAN: Read that question back.

(Question read.)

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A No.

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(Question read.)

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A Absolutely not.

Q Who did publish that order?

A There was no such order published.

Q No report was ever made to you about printed orders in Camp O'Donnell stating that?

A No, I did not receive any report.

Q Did Homma publish an order that prisoners who tried to escape would be executed?

A General Homma did not publish such orders.

Q Do you know whether such an order was issued?

A No, I don't.

Q Now, when you reported to San Fernando as chief of staff what communications did the headquarters have?

A You mean by "communications," a communication system in the Army Headquarters, or the communication with other units?

Q With their own units and with Tokyo, and all the communications that they had.

A The largest communication facility was situated in Manila. Therefore, when a message had to be sent from San Fernando to Tokyo it went through Manila. This was the same in trying to contact the Southern Supreme Army -- it went through Manila.

Q Did you have radio communication in the headquarters in San Fernando?

A No, there weren't.

Q Not at all?

A No, none at all. From San Fernando to Manila there was the wire communication.

Q When your headquarters moved to Balanga what communication did you have with Manila?

A We just extended the wire from San Fernando to Balanga.

Q You still had communications, then, with the radio station in Manila?

A Yes.

Q Do you remember a message printed in English that was dropped to the American troops on Bataan and Corregidor?

A No, I don't, no.

Q You don't remember a message printed in English addressed to the commanding general of the American forces on Bataan signed "Commander-in-Chiefs of the Imperial Japanese Army and Navy," dated March 19, 1942?

A No, I don't know about it.

Q I show you Prosecution's Exhibit 420 and ask if that refreshes your memory?

A I don't -- I do not understand English, and I have never seen anything like it.

COLONEL MEEK: Will one of you come over and translate it? Explain to the witness. In English this paper that he is looking at is signed, "Commander-in-Chiefs of the Imperial Japanese Army and Navy."

(Whereupon the translation was made to the witness by Lieutenant Huston.)

GENERAL DONOVAN: Tell him in general what it is.

LIEUTENANT HUSTON: He says this person would be the Commander-in-Chief of the Japanese Army and Navy. He doesn't know what it would mean.

COLONEL MEEK: As chief of staff --

CAPTAIN CODER: If the Commission please, if you care to ask the witness about the mesaage concerning surrender,

he may be able to recognize that document.

GENERAL DONOVAN: You haven't identified the document enough so he will know what is in it at all. He doesn't know what he is talking about, as far as the contents of the message. You will have to tell him a little something what is in it.

Q (By Colonel Meek) Do you recall in March of '42 a message that was prepared in English to be dropped to the American troops on Bataan, the message being to General Wainwright, offering terms of surrender to the American troops on Bataan Peninsula?

A No, I don't know.

Q Just one other question on Camp O'Donnell: What other staff officers inspected O'Donnell prior to your inspection at O'Donnell?

A Staff Officer Wada went two or three times.

Q Anyone else?

A Outside of him we had sent people from the Medical Affairs Section and from the Intendance Section.

Q They made reports to you?

A Yes, they all made their reports.

Q And those reports were also made to General Homma?

A The important things were forwarded to General Homma. The minor problems were not.

Q Do you remember the dates of these reports and inspections?

A I think that the Staff Officer Wada inspected Camp O'Donnell in April and in May. I don't remember the dates.

Q What were the important things that went on to

he may be able to recognize that document.

GENERAL DONOVAN: You haven't identified the document enough so he will know what is in it at all. He doesn't know what he is talking about, as far as the contents of the message. You will have to tell him a little something what is in it.

Q (By Colonel Meek) Do you recall in March of '42 a message that was prepared in English to be dropped to the American troops on Bataan, the message being to General Wainwright, offering terms of surrender to the American troops on Bataan Peninsula?

A No, I don't know.

Q Just one other question on Camp O'Donnell: What other staff officers inspected O'Donnell prior to your inspection at O'Donnell?

A Staff Officer Wada went two or three times.

Q Anyone else?

A Outside of him we had sent people from the Medical Affairs Section and from the Intendance Section.

Q They made reports to you?

A Yes, they all made their reports.

Q And those reports were also made to General Homma?

A The important things were forwarded to General Homma. The minor problems were not.

Q Do you remember the dates of these reports and inspections?

A I think that the Staff Officer Wada inspected Camp O'Donnell in April and in May. I don't remember the dates.

Q What were the important things that went on to

General Homma from the reports?

A The important matters were problems concerning rations, medicines, housing, and anything that needed immediate improvement.

Q Did that include the American prisoners of war? Did the report include the American prisoners of war?

A I don't clearly remember whether -- I don't remember clearly, but I think the American prisoners of war were included in the report.

Q Was there any distinction made between the treatment of American and Filipino prisoners of war on the Death March and at Camp O'Donnell?

A We had no intention of giving them any different treatment; no difference in the treatment.

Q Did you treat them differently?

A I don't know.

Q Now, after the prisoners of war had been evacuated from the Bataan Peninsula, you moved your headquarters from Balanga where?

A To Orani -- not Orani, but Lamao.

Q When did you move from Balanga to Lamao?

A I recall it as being on the 1st of May.

Q You moved all your communications and all your headquarters from Balanga to Lamao?

A Yes.

Q You still had the same communications with Manila from Lamao that you had at Balanga?

A Yes.

Q At the time you moved to Lamao were there not still two American hospitals from which prisoners of war had not been evacuated?

A Yes. I saw the prisoners still in the hospital at that time.

Q Will you indicate on the map about where those hospitals were?

A Right about there (indicating).

THE WITNESS: (Through Interpreter Huston) In the vicinity west of Cabcaben. That was No. 2; No. 1 was farther west.

GENERAL GARD: Will the interpreter stand aside so we can see where he is pointing on the map?

LIEUTENANT HUSTON: Excuse me, sir.

THE WITNESS: (Through Interpreter Huston) That is No. 2 here (indicating).

GENERAL DONOVAN: All right.

THE WITNESS: (Through Interpreter Onodera) The one that I saw the patients in was the No. 2 hospital.

Q (By Colonel Meek) What day was that?

A (Through Interpreter Onodera) 19th of April.

Q Did you see them there after you moved your headquarters to Lamao?

A It was before the headquarters was moved. It was while I was at Balanga.

Q Do you know when the prisoners of war were evacauted from those two hospitals, what date?

A It was considerably later. I think it was sometime in May. They were evacuated in two groups. There were many patients in the second hospital, and the first group was moved earlier, and considerably later the second group was evacuated.

Q Now, your preparations for the final assault on Corregidor began on 5 May 1942, is that right?

A It was on the night of the 5th of May.

Q Prior to 5 May, did the Japanese artillery occupy positions around hospitals 1 and 2?

A The artillery occupied positions around the 15th or the 16th of April; it was quite a distance from the hospital.

Q What distance from the hospital?

A The nearest position was about 1000 meters away.

Q In front or to the rear?

GENERAL DONOVAN: That is all right. We do not care if it was to the front or to the rear.

COLONEL MEEK: Withdraw the question.

Q (By Colonel Meek) When did you first learn of the white flag on Corregidor?

A (Through Interpreter Onodera) I don't remember the hour exactly, but it was before noon of May 6th.

Q Did you see the flag on Corregidor?

A I did not see it; I received the report through the telephone.

Q Where did you receive the report from?

A The artillery headquarters.

Q Where was the artillery headquarters?

A Here (indicating).

GENERAL DONOVAN: He is pointing to a point just west of Cabcaben, is that right?

LIEUTENANT HUSTON: Yes.

COLONEL MEEK: That is right.

GENERAL DONOVAN: The road between Cabcaben and Mariveles.

Q (By Colonel Meek) Prior to the report from the artillery headquarters, had you received any other report concerning the surrender of Corregidor?

A (Through Interpreter Onodera) No.

Q There had been no report from Manila to your headquarters of a broadcast from Corregidor on the morning of

6 May 1942?

A No.

Q When you received this report from the artillery headquarters what did you do?

A I ordered cease firing for artillery and ordered them to stop bombing from the air.

Q Did you inform General Homma of this?

A Yes, he was with me at the same place.

Q He concurred in that?

A Yes.

Q Now, did he order it or did you order the cease firing?

A Of course, General Homma did.

Q How did you learn that General Wainwright wanted to meet General Homma?

A Staff Officer Nakayama was at Corregidor, and there was a report from Staff Officer Nakayama about this.

Q He came from Corregidor back to your headquaters at Lamao, is that right?

A I don't remember whether he came back to Lamao or whether it was through the telephone.

Q Telephone from where?

A If it was through the telephone I don't remember if it was from Corregidor itself or across the water on this side.

Q Did you have telephone communications from your headquarters to Corregidor? Did you have telephone or radio communications between your headquarters and Corregidor at that time?

A No.

6 May 1942?

A No.

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A No.

Q Had Nakayama been over at Corregidor on the morning of 6 May?

A Yes, he was.

Q Now, the conference between General Homma and General Wainwright at Cabcaben took place on the 6th of May at about what time?

A It was in the evening; I don't remember the hour.

Q How did you and General Homma know where to meet General Wainwright?

A When we learned that General Wainwright wanted to meet us we prepared a meeting place at Cabcaben.

Q Did General Wainwright hand to General Homma or did he -- strike that. Did General Wainwright bring with him any written terms of surrender to that meeting?

A I did not see it.

Q What offer of surrender did General Wainwright make?

A General Wainwright said that he would surrender the American troops on Luzon Island and Manila Bay.

Q Did he state that he had laid down his arms?

A No, he did not.

Q Was nothing said as to his laying down his arms at that meeting or at any previous time?

A No, there was nothing about it.

Q Was his offer to surrender the troops on the islands in Manila Bay and on Luzon accepted?

A I didn't say it right a while ago. It wasn't that General Wainwright said that he would surrender the troops. General Wainwright said, "I have the command over the troops on Luzon and Manila Bay, and if the surrender is to

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take place I can surrender these men, and I want to negotiate with you on that."

The question of whether General Wainwright would surrender or not surrender had not entered the conversation as yet.

Q When did it enter the conversation?

A It was on the morning of the 7th.

Q Do you mean at this conference at Cabcaben between Generals Wainwright and Homma that Wainwright did not offer to surrender?

A No, he did not.

Q He only stated what he commanded, what troops he commanded and in what area, is that right?

A Yes.

Q What did he come to the meeting for?

A My personal guess is that General Wainwright must have thought or must have been considering whether it was possible to surrender only the troops under his command, the troops that he mentioned.

Q Didn't he offer to surrender those?

A No, he did not.

Q Why did Homma leave the meeting?

A General Wainwright had said he was a commanding general of the United States Armed Forces in the Far East, so General Homma demanded the total surrender, the surrender of all the troops in the Philippines of the Armed Forces in the Far East, but General Wainwright did not accept this. And, therefore, General Homma decided that it was useless to continue the conference, and he

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left the conference.

Q Did Homma at that time make any statement to General Wainwright that he was going to resume hostilities?

A I don't remember.

Q General Wainwright and his party were not taken prisoners at that time, were they?

A No, we did not take them prisoners.

Q What did you do with them?

A They went back to Corregidor.

Q Do you know when they went back and how?

A We left the meeting before they did, and then I heard that Staff Officer Nakayama took them back to Corregidor.

Q Did General Homma order firing to be resumed on Corregidor after he left this meeting with Wainwright?

GENERAL DONOVAN: Let's get that question straightened out.

COLONEL MEEK: Withdraw it.

Q (By Colonel Meek) After General Homma left this meeting did he order firing to be resumed against Corregidor?

A (Through Interpreter Onodera) He issued the order to the main strength of the Fourth Division to go on with the landing as planned previously.

Q What time was that?

A I don't remember the hour; it was after sunset though.

Q Was the white flag still flying on Corregidor?

A I don't know.

Q Do you know whether General Wainwright had returned to Corregidor?

A I don't know that either.

Q Were you with Homma all this time?

A Yes.

Q How long did firing continue on Corregidor on the evening of 6 May?

A I don't know about the bombings, but as for artillery fire it began after dark and on the seashore and the beach, along the spot where the Fourth Divison was to make the landing, a few shells were dropped there.

Q Was there any firing ordered again on the morning of 7 May, artillery fire?

GENERAL DONOVAN: We will take a ten minute recess at this time.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. Prosecution is present and ready to proceed.

Will you read the last question, please?

(Question read.)

A (Through Interpreter Onodera) No, there was no order.

Q (By Colonel Meek) You testified you made an inspection of Corregidor about the 10th of May?

A Yes.

Q Who accompanied you on that inspection?

A The Artillery Commander, Lieutenant General Kitajima, Prince Wakamia Higashikuni, and other staff members of the Artillery Headquarters.

Q Did you make that inspection on the orders of General Homma?

A I went by permission of General Homma.

Q Did you report back to him the results of your inspection?

A Yes, I did.

Q Did you inspect the tunnel?

A Yes, I did.

Q Did you see American rations stored in that tunnel?

A I think that there were some, a little bit.

Q Did you inspect where the prisoners of war were being concentrated?

A There were many prisoners on the field outside of the tunnel.

Q Did you inspect as to food, water, and medical care

for the prisoners?

A No, I did not investigate.

Q Who ordered the American rations captured on Corregidor placed on board Japanese ships?

A I don't know anything about that.

Q You know that it was done?

A No, I don't know.

Q You never heard of that?

A No.

Q When were the American prisoners removed from Corregidor?

A From Corregidor to where?

Q To Manila?

A You mean the date?

Q Yes.

A I don't remember the date.

Q Who ordered their removal?

A The orders, which stated to evacuate prisoners who are not needed at Corregidor, were issued by the Army.

Q By whom in the Army?

A The Chief of the Second Section.

Q Who was that?

A Takatsu.

Q Was that on the order of General Homma?

A Yes.

Q Do you know where those prisoners of war were unloaded here in Manila?

A When they came to Manila, they could not be unloaded at the pier here (indicating), so they were unloaded beyond

that point.

Q Do you know where they were unloaded?

A No, I don't know the exact spot. It is away down there.

Q Did you see the prisoners march from where they were landed through Manila?

A I did not see the march myself. I dispatched a staff officer to go see it.

Q Who?

A Staff Officer Wada of Second Section.

Q What did he report to you concerning it?

A He reported that there were some prisoners in a very weak condition, and he had arranged to have these people taken care of by the dressing squad or medical personnel.

Q Did he say how he had them taken care of? Did he report how he had them taken care of?

A I don't remember.

Q Do you know Colonel Ohta?

INTERPRETER ONODERA: Ohta?

COLONEL MEEK: Yes, sir.

INTERPRETER ONODERA: Is he a lieutenant colonel?

COLONEL MEEK: Lieutenant colonel.

A (Through Interpreter Onodera) Is he a Military Police lieutenant colonel?

COLONEL MEEK: Ask him if he knows Lieutenant Colonel Ohta, Seiichi.

THE WITNESS (through Interpreter Onodera): There were several lieutenant colonels here, and I know them.

Q (By Colonel Meek) Were there several Lieutenant

Colonel Seiichi Ohtas?

A (Through Interpreter Onodera) I don't know their first name, whether it was Seiichi or not.

Q Did you know a Lieutenant Colonel Ohta that visited General Homma during the evacuation of the prisoners from Balanga, or at Balanga?

A No, I don't know. I don't know who visited General Homma.

Q Do you know a Lieutenant Colonel Ohta that was in command of Santiago?

A Yes, I do.

Q Who was the head of the Kempei Tai here in the Philippine Islands?

A That is Ohta.

Q Oh. Well, now, did he visit Homma's headquarters at San Fernando, or at Balanga?

A I don't know. I don't think so.

Q Would you say he did or didn't?

CAPTAIN CODER: If it please the Commission, the witness has already stated he didn't know.

COLONEL MEEK: The witness has stated, "I don't remember."

GENERAL DONOVAN: What was the last question?

(Question read.)

GENERAL DONOVAN: He may answer the question.

A (Through Interpreter Onodera) He did not.

Q (By Colonel Meek) What charge was Santos tried on?

A I don't know.

Q He was tried at Mindanao, was he not?

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A I don't know.

Q He was tried at Mindanao, was he not?

A I don't know that.

Q Where was he executed?

A I heard that it was on Mindanao.

Q Who was the commanding general at Mindanao at that time?

A Major General Kawaguchi.

Q Did you see General Kawaguchi in Manila after the execution of Santos?

A No.

Q Do you know whether he was in Manila after Santos' execution?

A He was in Manila for a short while, then he left soon after.

Q Whatever became of Tsuji?

A Do you mean now?

Q Yes; where is he now?

A I don't know definitely what happened to him, but I heard two stories: one that he is missing, and one that he had died in action.

Q Both stories are that Tsuji is dead, then, is that right? Both stories that you have heard are to the effect that Tsuji is dead?

GENERAL DONOVAN: No, he didn't say that. He said one, that he was missing, and one, that he was dead.

Is that right?

THE REPORTER: That is right, sir.

Q (By Colonel Meek) The story about his being missing -- how long has he been missing?

A (Through Interpreter Onodera) I heard about this in

Tokyo, after the war was over.

Q Going back to Colonel Ohta, was he responsible to General Homma?

A He is responsible to Major General Hayashi.

Q Who is Major General Hayashi?

A The chief of the Military Administration Section.

Q Who was he responsible to?

A He was responsible to the commander-in-chief of the Southern Supreme Army.

Q Under whose command? Strike that. Hayashi was a deputy chief of staff of General Homma, is that right?

A Yes.

Q And Ohta was responsible to Hayashi, is that right?

A He was attached under General Hayashi from March to June, during the period from March until June.

Q Hayashi was under the command of General Homma, is that right?

A Although he was a subordinate of General Homma in his duties he had no relationship with General Homma.

Q No relation?

A That is right.

GENERAL DONOVAN: I would like to get something straightened out, Colonel Meek. You follow that line from Director General Military Administration on that chart. From here it looks like it touches Southern Army Headquarters.

COLONEL MEEK: No, it does not, sir.

GENERAL DONOVAN: It doesn't show it on the chart as touching.

CAPTAIN CODER: No, sir, it doesn't.

GENERAL DONOVAN: That is all I want to know.

Q (By Colonel Meek) Was General Homma supreme commander of the Philippines?

A Yes.

Q Then any action that Ohta might take would have to be by order of Homma or with his consent?

A (Through Interpreter Onodera) Colonel Ohta was placed under command of General Hayashi, therefore he moved only in accordance with orders from General Hayashi.

GENERAL DONOVAN: Colonel Meek, just get the witness to follow that line up all the way from Ohta to Director General Military Administration on over to the left and find out what the lines mean.

Q (By Colonel Meek) Referring to the chart, the line that starts with Military Police and goes over to the Director General, what does that mean?

A It means that the Military Police is under the Military Administration.

Q The line from the square marked Director General over to the Chief of Staff, what does that line indicate?

A It is a line which shows the chain of liaison that various orders negotiated from the Military Administration have to go to the subordinate units, in which case it has to go through the Chief of Staff office.

Q The line from the square marked Chief of Staff to General Homma, what does that indicate?

A It means I am under General Homma.

Q Does it mean that General Homma can give an order to Colonel Ohta -- strike that.

Does it mean that if General Homma gave an order to Colonel Ohta it would come down through this way (indicating)?

A If he did issue orders, yes, that would be the chain

of dissemination -- the handing down of orders. When this chart was drawn the military police was not commanded by General Homma. General Homma had absolutely no command over the military police.

GENERAL TRUDEAU: Colonel Meek, while you are on the chart here, the witness has stated that Hayashi reported to Southern Army Headquarters, which appears to be the only place he doesn't report. Will you clarify that point?

Q (By Colonel Meek) Referring again to the chart, the Director General of Military Administration, according to this chart, reports only in to Imperial General Headquarters.

A (Through Interpreter Onodera) The line there from the Military Administration to Imperial General Headquarters was not a line showing that the orders were given out daily. It just shows that the principal instructions came through that chain. It could just as well have been written out in dotted line as a straight line. If the chart was made with lines showing all the channels through which orders were issued daily the chart would be so complicated that it would not be legible, or I mean simple enough.

GENERAL DONOVAN: Don't go any further on that chart unless you want something else.

CAPTAIN CODER: If it please the Commission, I would like to bring out the date which that chart is in effect.

GENERAL DONOVAN: March 1 to June 30.

CAPTAIN CODER: Yes, sir.

Q (By Colonel Meek) What do you know about the Chinese Consul executions?

A I didn't know anything about it.

Q Never heard of it?

A No, nothing at all.

Q Do you know Dr. Young was the Chinese Consul here in Manila in January, 1942?

INTERPRETER ONODERA: Did you know that he was?

COLONEL MEEK: Did you know that he was?

A (Through Interpreter Onodera) No, I did not know. In March I passed through Manila and went straight down to Bataan, and I was engaged in the war until May. Therefore, I did not know who was the Chinese Consul or who was who.

Q Do you know whether trials and executions of civilians were reported to General Homma?

A I don't know. Ordinarily the reports should come in before the punishment is carried out, but until June I don't know whether there were any reports or not.

Q There were no reports while you were chief of staff under Homma?

A No, there were none.

Q Were there any executions ordered by General Homma's Headquarters while you were chief of staff?

A No, there were none.

Q What date did Homma leave the Philippine Islands?

A On or about the 5th of August.

Q What is your present rank in the Japanese Army?

A Lieutenant General.

Q Did Homma order the march of the prisoners of Bataan?

A Not the march. The transportation of or evacuation

to the rear was an army order.

Q By an army order to you mean General Homma's order?

A Yes.

Q Was that a written order?

A The orders which were handed down to the subordinate units were written orders. However, before the 15th of March the plan had already been drawn up about the evacuation of prisoners to the rear, and all I had to do was to tell General Homma and General Homma said to issue an order in accordance with the previous plan, and I in turn just wrote out the order to the chief of line of communication to carry out the evacuation plan as previously drawn up.

COLONEL MEEK: No further cross examination.

REDIRECT EXAMINATION

Q (By Captain Coder) In your testimony you stated that you were in Formosa from March to November of 1941, is that correct?

A Yes.

Q When did you first know that the Philippines were to be invaded by the 14th Army?

A It was in the middle of November.

Q When did the 48th Division arrive at Formosa?

A It was in the summer of 1941.

Q And when was it assigned to the 14th Army?

A It was around the middle of November.

Q And no plans had been made prior to the middle of November for the invasion of the Philippines, is that correct?

A That is correct.

Q I want to again call your attention to Camp O'Donnell. Who was the first officer in charge of Camp O'Donnell?

A Captain Tsuneyoshi.

Q Was he designated to this position before there were any prisoners of war to be housed there? Was he appointed to this position before you had captured any prisoners of war?

A I don't remember clearly. I think it was before that.

Q Do you recall the approximate date when he was appointed?

A No, I don't remember.

Q He was appointed by General Kawane?

A Yes.

Q Do you know if Captain Tsuneyoshi was known to General Homma at the time of his appointment?

A I don't think he knew him.

Q Was Captain Tsuneyoshi removed by General Homma as soon as the report of his incompetency was received?

COLONEL MEEK: If the Court please, I have waited here hoping that counsel would not lead this witness quite so much, and I object to those questions.

GENERAL DONOVAN: That question may be answered. As a matter of fact we have already had testimony to that effect.

A Yes.

Q (By Captain Coder) I want to call your attention

to the order for the removal of prisoners of war from Bataan. Did that order specify that the prisoners of war should walk?

A No, the march was not specified in the army order. The army order stipulated that they should be removed, and it was up to the chief of the line of communication section to carry it out, and if he had cars he would use the cars, and if he didn't he would make them march.

GENERAL DONOVAN: Any further questions?

COLONEL MEEK: No further questions.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 29 January 1946.)

to the order for the removal of prisoners of war from Bataan. Did that order specify that the prisoners of war should walk?

A No, the march was not specified in the army order. The army order stipulated that they should be removed, and it was up to the chief of the line of communication section to carry it out, and if he had cars he would use the cars, and if he didn't he would make them march.

GENERAL DONOVAN: Any further questions?

COLONEL MEEK: No further questions.

CAPTAIN CODER: No further questions.

GENERAL DONOVAN: Recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 29 January 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present except General Valdes. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

TAKEJI WACHI

recalled as a witness on behalf of the Defense, having been previously duly sworn, resumed and stand, and testified further as follows:

EXAMINATION BY THE COMMISSION

Q (By General Donovan) In the testimony yesterday you referred to Colonel Tsuji as recommending severe treatment. You said that many times. What did you mean by "severe treatment"?

A (Through Interpreter Ogita) It means to kill.

Q Did you talk with any of the internees at Santo Tomas?

A No, I did not. I saw the place, but did not speak to them.

Q Did you talk to any of the prisoners of war at Camp O'Donnell?

A I did not directly speak to any prisoners.

(Whereupon General Valdes entered the court room.)

GENERAL DONOVAN: General Valdes is now present.

Q (By General Donovan) You spoke of certain reports on prisoner of war camps as going to the Second Section. Did you consider the conditions in the prisoner of war camps

as major problems or minor problems in connection with these reports?

A I went to Camp O'Donnell twice. The first time I inspected the place, and after seeing the improvements that could be made I came back and told the members of the Second Section to fix it immediately and have them do it.

Q Let's get back to the question. The question is in connection with the reports that were received from these camps. You can word it any way you wish. Certain reports were sent in to the headquarters and you indicated in your testimony that the important things were sent to the chief of staff. The point I want to know is if you considered prisoner of war camp conditions as being important enough to go to the chief of staff. That is all I want to know.

A Yes.

Q You indicated in your testimony that the fighting went on until April 11th, that is, on Bataan. Why did it stop after General King's visit to Bataan on the 9th of April?

INTERPRETER OGITA: Why did it?

GENERAL DONOVAN: Why did it not stop?

THE WITNESS: (Through Interpreter Ogita) On the 9th of April the various units were advancing towards Mariveles and all of the enemy had not surrendered yet.

GENERAL DONOVAN: That is all I have.

Q (By General McNaught) Do you know that the Americans operated a radio broadcast station on Corregidor prior to the surrender?

A I don't know.

Q When you visited O'Donnell did you make your inspection on foot or in a motor car?

A I made the inspection on foot.

Q Did you enter any of the stockades?

A No.

Q You have testified that General Homma left the Philippines on the 5th of August. Under whose orders did he leave?

A The Imperial General Headquarters orders.

Q Did you ever know what was the cause of his being ordered from the Philippines?

A I do not know.

GENERAL McNAUGHT: That is all I have.

Q (By General Gard) When did the Fourth Division come under General Homma's command?

A The Fourth Division came across from China, and at the moment that they landed at Lingayan they came under General Homma.

Q I want to know the date they came under General Homma's command?

A I do not remember it at the present time.

Q The approximate date?

A I think it might have been around the end of February.

Q When did the 16th Division come under General Homma's command?

A At the time the 14th Army Headquarters was set up.

Q I want the date.

A Around the middle of November.

Q When did Homma learn that he was to command an army in the Philippine invasion?

A I think it was around the middle of November.

Q At what time on the 6th of May --

GENERAL DONOVAN: What year was that?

THE WITNESS: (Through Interpreter Ogita) 1941, sir.

Q (By General Gard) At what time on the 6th of May were orders issued to cease artillery fire and air bombardment of Corregidor?

Do you want that repeated?

INTERPRETER OGITA: Yes.

(Question read.)

THE WITNESS: (Through Interpreter Ogita) Immediately after the report came in that the white flag went up.

Q (By General Gard) What time were the orders issued?

A I don't remember the exact time.

Q Give the approximate time.

A I think it was around noon.

Q Were these orders obeyed?

A Yes, it was followed.

Q Did American and Filipino prisoners of war in prisoner of war camps get the same rations as the Japanese soldiers?

A Yes.

Q Do you know that the Japanese Army was supposed to be governed by the Geneva Convention of 1929 in its treatment of war prisoners?

A Japan was not a signatory of that convention, but it was agreed that we would follow in that spirit.

Q Was Japan a signatory of The Hague Convention of

1907 as to the treatment of war prisoners?

A I do not know.

GENERAL GARD: That is all I have.

Q (By General Valdes) Who was the Japanese commander who captured Chief Justice Abad Santos?

A Major General Kawaguchi.

Q Was Justice Abad Santos tried by a military tribunal?

A I do not know, but I think he went through the military tribunal.

Q Do you know who sentenced him to be executed?

A I think it was the chief of the Military Administration Section.

Q Could this order of execution be carried out without General Homma's approval?

A Yes, it could be.

Q But was it?

A Since General Homma does not know about it they did not get his approval.

Q You testified this morning that the American and Filipino prisoners of war you saw marching on the Bataan road were haggard, sickly and exhausted. Is that correct?

MAJOR PRATT: Will you read that question again?

(Question read.)

THE WITNESS: (Through Interpreter Ogita) Yes, they were in a weakened condition.

Q (By General Valdes) What measures, if any, did you take to help them?

A If it could be done I would have had automobiles supplied for them.

Q Did you report to General Homma what you had seen?

A Yes, I reported it.

Q What did General Homma do?

A He felt very badly about it, but there was nothing that could be done about it, because there were no vehicles available, so the only thing that could be done was to shorten the length of march.

Q Did the Philippine Red Cross request from General Homma or any staff officer permission to distribute to the prisoners of war at Camp O'Donnell clothing, food and medicines?

A I remember something about their asking permission.

Q Did General Homma grant the permission for this distribution of clothing, food and medicines?

A I remember that he did.

Q Do you know why it was not allowed? Why the supplies were not allowed to enter the camp?

A I do not know.

GENERAL VALDES: That is all.

Q (By General Trudeau) When did you come to Manila first, officially?

A On official business?

Q Yes.

A On May 9th, after the fall of Corregidor.

Q Where was General Homma's headquarters in Manila?

A The white building in front of the Parliamentary Building.

Q Where was your office in Manila?

A In that headquarters.

Q Where was General Hayashi's office?

A Hayashi's office was in the building in front of that place.

Q How long did you remain in Manila?

A I stayed three days at that time, and then I went to Corregidor and then I went to Mindanao, to Cebu.

Q How long did you remain on duty in Manila, in the Philippines? How long were you in the Philippines?

A Until March of 1944.

Q When did General Tanaka arrive?

A Around the 3rd or 4th of August, 1942.

Q Why were surrendered American and Filipino troops treated as captives and not as prisoners of war, during General Homma's regime?

A Orders did not come from the Imperial General Headquarters in Tokyo to treat the prisoners as prisoners of war yet. Until the time the orders do come from Imperial General Headquarters to treat them as prisoners of war, they are not prisoners of war. The orders came on the 1st of August.

Q Don't the terms of the Geneva Convention place on the successful commander the responsibility of treating all prisoners as prisoners of war, as soon as they are captured?

MAJOR PRATT: Sir, by that do you mean the winning commander?

GENERAL TRUDEAU: Yes. Victorious, in other words.

MAJOR PRATT: May we have the question read?

(Question read.)

A (Through Interpreter Ogita) I do not know.

Q (By General Trudeau) Is that the same reason that General Wainright was denied the rights of prisoners of war for five weeks after his capture?

A We did not make any differentiations between prisoners, captives, and prisoners of war, but all men who became prisoners were to be treated with friendly spirit.

Q Did you treat them on the same terms that you did when you were the commander of troops in North China?

CAPTAIN CODER: Sir, if it please the Commission, I would like to protest that question on behalf of Defense. There has been no evidence about the treatment of prisoners in North China. We would like to place an objection to that.

GENERAL TRUDEAU: Well, we recognize also that China is a signatory to the Geneva Convention. I just want to be sure he is applying the same standards.

GENERAL DONOVAN: The question may be answered.

A (Through Interpreter Ogita) I was not a commander in North China.

Q (By General Trudeau) Did Colonel Ohta of the Kempei Tai continue to report to General Hayashi during your tenure as chief of staff?

A No, he did not. Hayashi did not make any such report.

Q That is not answering the question. The line on the organization chart shows that Colonel Ohta, in the Kempei Tai, reports in to the Director General of Military Administration, General Hayashi. Did that situation continue during your tenure as chief of staff? That is all I am asking.

A Ohta was reporting to Hayashi, but Hayashi never reported to me, not even once, on reports of Kempei Tai.

Q You have testified that you were in Mindanao in June, in Tokyo at the end of June, and in Singapore most of the month of July. Who was the chief of staff in your absence? General Hayashi?

A I went to Mindanao in May.

Q Well, you were gone a lot; who was the chief of staff

when you were away from the Philippines?

A It was not Hayashi. It was Nakayama.

Q Why did you have to go to Tokyo to secure a change in the commander of Camp O'Donnell, when General Kawane had picked the original one and decided to discharge him?

INTERPRETER OGITA: May we have the question read?

(Question read.)

A That man was a reserve officer who was drafted into active duty. He was away from the Army for a long time. He had no common sense, and after looking over his record we discovered that he did not handle matters well. He also did not know the English language and had no understanding of the prisoners, to treat the prisoners with friendly spirit. I told General Homma about this matter, so General Homma told me to go to Tokyo and pick a suitable man.

Q (By General Trudeau) Who was Hideo Nishiharu?

A He was a Judge Advocate -- Chief of the Judge Advocate Section.

Q Was he one of your principal subordinates, as indicated on the extreme left-hand block on your organization chart?

A Yes.

Q Was he not also the legal adviser to General Hayashi?

A In the Judge Advocate's Section there is the chief, and then there are two or three officers in the section. Nishiharu left one of the officers from the section in Manila and he went to Bataan with the other men. The man who is adviser to Hayashi is the one who was left in Manila.

Q He still was a member of Nishiharu's section, though,

was he not?

A Yes. He was the head of the Judge Advocate's Section.

Q If Nishiharu was your legal adviser, didn't he consider the death and execution of Chief Justice Santos of the Philippine Government sufficient reason to report to you that fact?

INTERPRETER OGITA: May we have the question read?

(Question read.)

THE WITNESS (through Interpreter Ogita): If Nishiharu was whose adviser?

GENERAL TRUDEAU: His adviser, on his staff. Or General Homma's, if you will; chief of staff.

A (Through Interpreter Ogita): At that time matters concerning the Filipino residents was not the responsibility of the Army commander; it was solely the responsibility of the Military Administration Section. That was the orders of the Supreme Southern Command.

Q (By General Trudeau) Is that the same reason that he did not inform you as to the death and execution of the Chinese Consul General and the members of his staff?

CAPTAIN CODER: If it please the Commission, I would like to point out at this time that this witness is not qualified to say what Nishiharu thought, or account for his actions.

GENERAL DONOVAN: The question may be answered to the best of his ability.

A (Through Interpreter Ogita) We did not receive reports because of the same reason.

Q (By General Trudeau) Did you continue to retain

Nishiharu as your legal adviser during your tenure of office?

A Yes, he was head of the legal section all the time.

Q (By General Donovan) Did General Homma visit Camp O'Donnell?

A He was planning on making the trip, but I do not know whether he went or not, because I went away on a trip.

Q Did he visit Cabanatuan, 1, 2, or 3?

A I do not know.

Q Baguio, John Hay Prisoner of War Camp?

A I do not know.

Q Bilibid?

A I do not know.

Q Any other prisoner of war camps?

A I do not know.

A I do not know.

Q Santo Tomas?

A I do not know that.

Q Did you know, or had you heard that actually there were hundreds of dead along the road on the Bataan march, on the route of the Bataan march?

Ask him, did he know, or had he ever heard, that there were actually hundreds of dead along that route of march.

A (Through Interpreter Ogita) I never knew, and I never heard, and the protest that came from the United States in 1943 did not contain anything about that. I did not know anything about that matter.

GENERAL DONOVAN: Read that question and the answer, please.

(Question and answer read.)

Q (By General Donovan) In the Japanese Army, is an Army

commander authorized to select his own chief of staff?

A No, he has no right.

Q How many days were troops marching on the route between Mariveles and San Fernando, approximately? How many days, approximately, were troops marching along that route, during April, after the surrender of Bataan?

MAJOR PRATT: You mean American troops?

GENERAL DONOVAN: Yes; prisoners of war.

A (Through Interpreter Ogita) I do not know how long they took.

Q (By General Donovan) How many days was that road occupied by prisoners of war being evacuated? Approximately how many days were prisoners of war being evacuated along that route? Eight, nine, ten, twelve? Just approximately. Whatever you can state.

A Prisoners came all scattered, up to Balanga; after that they were marched. I think it must have taken about four to six days.

Q Was General Homma sick during that period of time?

INTERPRETER OGITA: Did you say "sick"?

GENERAL DONOVAN: Sick; ill.

A (Through Interpreter Ogita) No, he was not sick.

Q (By General Donovan) Where was his C. P.; where was his command post?

A In Balanga.

Q How far from the road?

A Six to eight hundred meters from the road.

Q Did he leave his command post during that period of time?

A In the headquarters it was very busy, so General Homma could not leave the command post.

Q If he had left, he would have had to have gone on that road, is that correct?

INTERPRETER OGITA: On the road?

GENERAL DONOVAN: That road of the march.

A (Through Interpreter Ogita) You mean if he leaves the headquarters?

Q (By General Donovan) That is right.

A He did not leave the headquarters, because there was so much work. But if he had, he could have gone to the road.

Q (By General McNaught) When did the last artillery fire fall on Corregidor?

A About 11:30 p. m., the 6th of May.

Q Did you testify that the prisoners of war were evacuated after the Bataan surrender, under the plan included in the field order for the attack, in early April?

INTERPRETER OGITA: May we have the question read?

(Question read.)

A (Through Interpreter Ogita) Yes.

Q (By General McNaught) Did you make any changes in that plan?

A According to that plan, the Chief of the Line of Communications Section was to evacuate the prisoners to the rear. This plan was submitted to the Second Section.

Q Were there any changes in the plan as drawn in the order of attack, and as put in execution after the 10th of April?

INTERPRETER OGITA: What was the question?

(Question read.)

A (Through Interpreter Ogita) Yes.

Q (By General McNaught) What were the changes?

A The number of prisoners was much more than expectation. More effort had to be put into the food situation and the quartering facilities to accommodate them.

Q How much more food was placed in each place than had been planned for originally? How much more food was placed at each of the feeding points than had been planned for originally?

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Was there a question pending?

(Question read.)

A (Through Interpreter Ogita) I do not remember the amount.

Q (By General McNaught) What new housing was provided?

A At O'Donnell?

Q No; on the march. He said his plan for evacuation, the change in it, included more food and new housing arrangements. What new housing did he provide?

A On the march itself, no new buildings were built up, but it was increasing the bivouac area.

Q What was done about providing more water?

A There was not too much worry about the water situation,

so that was left up to the Line of Communications commander.

Q (By General Gard) On May 6th did you have satisfactory communication with your artillery officer?

A Yes.

Q What unit provided the guards for the prisoners of war on the march to San Fernando?

Does he understand what "unit" means? A division, brigade.

INTERPRETER OGITA: Yes, sir.

A (Through Interpreter Ogita) The Line of Communications Transport Unit.

GENERAL DONOVAN: Defense?

CAPTAIN CODER: Nothing further, sir.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: I have one question.

RECROSS EXAMINATION

Q (By Colonel Meek) During the operation in the Philippines that you have testified to, what was the Japanese soldier's ration?

A (Through Interpreter Ogita) Half of normal.

Q What did it consist of by components? Rice, meat, and all the rest of it.

A There was rice. There was no meat or fish. Some fruit which was acquired in the country, and some canned goods.

Q What kind of canned goods?

A Fish and meat which were canned in Japan, very small.

Q What was the quantity of rice issued as a daily ration to the soldier?

A I do not remember the amount, but it was about one-half of -- half of the wartime rations.

Q Well, what was the wartime ration?

GENERAL DONOVAN: What word is it? We will change the word, if necessary.

INTERPRETER OGITA: It is "six go's". That is a unit of measure in Japanese.

"Six go's of rice." One go equals .18 litres.

COLONEL MEEK: "Litres," is that?

INTERPRETER OGITA: Yes.

GENERAL DONOVAN: Where do we stand now? Is that the answer to the question?

INTERPRETER OGITA: That is the answer to the question, sir.

COLONEL MEEK: Will you read the answer?

(Record read.)

GENERAL DONOVAN: Anything further?

Q (By Colonel Meek) How do you know the prisoners got that same ration?

A Because orders were given to such effect.

Q Did the prisoners of war get the canned fish and canned meat as well as the rice in their ration?

A Orders were given to give it to them, but actually how much was given I do not know.

COLONEL MEEK: That is all.

CAPTAIN CODER: Nothing further.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

YOSHIO NAKAJIMA

called as a witness on behalf of the Defense, being first duly sworn through Interpreter Ogita, was examined and testified through Major Pratt, Sergeant Baba and Sergeant Ogita as follows:

DIRECT EXAMINATION

Q (By Major Skeen) What is your name?

A (Through Interpreter Baba) Yoshio Nakajima.

Q What is your present occupation?

A Demobilization officer of the first demobilization office.

Q Were you formerly a member of the Imperial Japanese Army?

A Yes.

Q What was your highest rank?

A Colonel.

Q Were you under the command of General Homma?

A Yes.

Q When?

A From about the middle of November, 1941, and all during General Homma's stay here I was the staff member in

the First Section.

Q What position did you hold in the First Section?

A Until the middle of March 1942, I was with the intelligence, and after that I was assigned to operations.

Q When was the 14th Army activated?

A In the middle of November 1941.

Q At the time of activation what were the principal units comprising the 14th Army?

A The 16th Division, the 48th Division and the 65th Brigade. There is one more, the 5th Air Group was also under the command of General Homma.

GENERAL DONOVAN: You will have to speak a little louder so the people in the back of the room can hear you.

Will you read the last answer back?

(Answer read.)

Q (By Major Skeen) At the time of activation where were these units located?

A The 48th Division and the 5th Air Group were in Formosa; the 16th Division and the 65th Brigade in Japan.

Q When did the 16th Division and the 65th Brigade actually arrive in the Philippine Islands?

A The 16th Division on 24 December 1941. The 65th Brigade on 1 January 1942.

Q Did either of these units ever go to Formosa?

A The 65th Brigade came by way of Formosa and stopped at Formosa and came over to the Philippines. The 16th Division did not go to Formosa.

Q Did the 48th Division, the 16th Division and the 65th Brigade remain continuously under the command of

General Homma during the campaign in the Philippines?

A The 48th Division left about the middle of February 1942 for the 16th Army. The 16th Division and the 65th Brigade remained under General Homma during his stay here.

Q Were any other units subsequently assigned to the 14th Army?

A I have not finished the previous answer. The 5th Air Group went to the Southern Army in the early part of January 1942.

Q Were any other units subsequently assigned to the 14th Army?

A The 4th Division, the Nagano Detachment, the Kawamura Detachment and the Kawaguchi Detachment cane under the 14th Army.

GENERAL DONOVAN: What was the last thing?

INTERPRETER BABA: "Cane under the 14th Army."

GENERAL DONOVAN: Would you please talk into this microphone?

Q (By Major Skeen) When were these units assigned and where did they come from?

A (Through Interpreter Baba) The 4th Division and the Nagano Detachment cane from China in the latter part of February 1942. The Kawamura Detachment from Malay in the early part of April 1942, and the Kawaguchi Detachment cane from Borneo in the latter part of March 1942.

Q Will you state the approximate strength of a detachment?

A The strength of the Nagano Detachment about 4000, the Kawaguchi Detachment and Kawamura Detachment were also

about the same number.

Q Did the Kawaguchi and Kawamura Detachments ever land in Luzon?

A They landed at Lingayen.

Q Did they actually land at Lingayen?

A No, they did not land.

Q Where did they go?

A They went in the Visayan-Mindanao area.

Q How long did these units which you have just named remain under the 14th Army?

A The Kawaguchi and Kawamura Detachments were transferred to another army in the middle of June. They were under the command of General Homma up to that time.

Q How long was the 4th Division assigned to the 14th Army?

A The 4th Division was also under the command of General Homma until about the middle of June.

Q Was there an Ikuta Detachment in the 14th Army?

A Yes.

Q When was that assigned to the 14th Army?

A The Ikuta Detachment arrived at Lingayen in April of 1942 and shortly after came under the command of General Homma.

Q Now, I will show you Defense Exhibit C, and will you state to the Commission what that is?

A Yes, I can.

Q Will you state what it is?

A (Through Major Pratt) This is a chart of the troop strength and the period of operation of the principal units

of the 14th Army and their component units. I made this chart.

MAJOR SKEEN: I will offer into evidence this chart, along with the English translation, which has been checked by the interpreter for accuracy. It has been marked as Exhibit C.

GENERAL DONOVAN: Where is Exhibit B?

MAJOR SKEEN: May the record show that this chart is now Exhibit B instead of Exhibit C. Exhibit B was marked, but then it was not offered.

GENERAL DONOVAN: All right.

COLONEL MEEK: I have no objection to it, but I do want to call the Commission's attention to the fact that the witness has testified to dates of arrival and dates of departure that do not check with this chart. For example, the arrival of these detachments and their departures from here, he has them departing in June, and this chart shows them departing in May.

GENERAL DONOVAN: We can take that up later on. You can take that up when you get an opportunity to cross examine this witness.

We will accept the chart for the moment.

COLONEL MEEK: I want to call the Commission's attention to that. It hasn't been properly identified.

GENERAL DONOVAN: Do you want to talk about that now?

MAJOR SKEEN: If I may, I would like to question the witness further on the chart for a moment and straighten out these dates.

GENERAL DONOVAN: Do that. The chart is accepted

into evidence.

(A chart was marked Defense Exhibit B for identification and was received in evidence.)

Q (By Major Skeen) Now, you have just testified as to the dates of arrival and departure of various units within the 14th Army. This chart shows dates of arrival and departure which are in some cases different from those you mentioned. Will you explain to the Commission why that is?

A (Through Interpreter Baba) I do not think that I have made a mistake in the arrival dates of the different detachments.

Q Did you use any notes when you were preparing this chart?

GENERAL DONOVAN: Is there a big difference there?

MAJOR SKEEN: No, there is not.

THE WITNESS: (Through Interpreter Baba) I made this chart from notes which I made from memory at the time.

Q (By Major Skeen) Are those dates shown on the chart accurate, to the best of your ability and knowledge?

A Yes.

Q When were orders first received for the invasion of the Philippines?

A 20 November 1941.

Q At this time were any measures taken by General Homma to see that the troops were instructed in the proper treatment of civilians and prisoners of war?

GENERAL DONOVAN: We will take a ten minute recess at this time.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

MAJOR SKEEN: I believe we have an answer pending.

GENERAL DONOVAN: Will you read the question, please?

(Question read.)

THE WITNESS: (Through Major Pratt) Before the beginning of the operation, the army commander gave instructions to the units under his command concerning the handling of war prisoners.

Q (By Major Skeen) Will you describe the nature of those instructions?

A (Through Major Pratt) The prisoners of war, either American or English, who came into our hands were to be treated properly. Civilians who were attached, their customs and religions were to be respected. Incendiarism, violence and rape were forbidden, and the towns and villages were absolutely not to be destroyed.

MAJOR PRATT: May I correct that by saying: "As far as possible, would not be destroyed."

Q (By Major Skeen) What was the date of the initial landings on Luzon?

A (Through Major Pratt) The 10th of December, 1941.

Q Were landings made at this time on other islands of the Philippines?

A Two days later, on the 12th, a unit landed at Legaspi.

Q Where is Legaspi?

A It is on the southern edge of the southern part of Luzon.

Q Were any troops landed on Leyte?

A No, they did not land on Leyte.

Q When were the first Japanese troops ordered to Leyte?

A The first time they landed on Leyte was the 25th of May, 1942.

Q How do you know that?

A After the fall of Corregidor I, together with a staff officer of Brigadier General Sharp -- I was connected with the surrender of the Philippine-American units on Visayan. The Japanese units landed on Samar and Leyte on the 25th of May for the first time. Before then, since the troop strength of the 14th Army was very small we could not send forces to land there. The Japanese forces definitely did not land there before that time.

Q Did you order these units which first landed there?

A I did not order them.

Q Who ordered those troops to Leyte?

A The commanding officer of the Nagano Detachment ordered this landing.

Q When did you land on Luzon and where?

A On the 10th of December, 1941, I landed at Vigan on the northern part of Luzon.

Q Was that with the advanced echelon of the army headquarters?

A The army headquarters was in Formosa. I alone landed with the units at Vigan.

Q When did General Homma land?

A General Homma landed on the 23rd of December of 1941.

Q From the time of the initial landing until the occupation of Manila did the Japanese suffer many casualties?

A From the time of the landing until the occupation of Manila the Japanese forces suffered 4,500 casualties. That includes sick.

Q What was the total number of Japanese troops at the start of the Philippine campaign?

A Approximately 65,000.

Q After the occupation of Manila did the Army use Nichols Field as an air base?

MAJOR PRATT: May we have the question read?

(Question read.)

A (Through Major Pratt) No, they did not.

Q (By Major Skeen) Were there any Army installations at Nichols Field?

A No.

Q After the occupation of Manila how long was it before the first assault on Bataan was commenced?

A Approximately one week.

Q Do you recall the date on which the assault commenced?

A The 9th of January, 1942.

Q When did you first hear that Manila had been declared an open city?

A On the night of the 28th of December, 1941, we heard, as intelligence from Imperial General Headquarters, this fact.

Q What time of day was this message received?

A We heard it fairly late in the evening of the 28th.

Q Can you state the substance of this message?

A The telegram from Imperial General Headquarters was to the effect that the San Francisco broadcast had stated that Manila was an open city.

Q Where were you at this time?

A At Binalonan. I was in the Army Headquarters at Binalonan.

Q Did you, yourself, receive this message?

A Yes, I received the telegram.

Q What did you do when you received this message?

A I immediately informed the chief of the First Section, the chief of staff, and General Homma. After I made the report, I contacted the 5th Air Group and the 48th Division, to have them ascertain whether or not it was correct. And then we contacted the Filipinos, in order to determine whether or not it was true.

Q Was any other word ever received on this subject?

A Nothing.

Q When were you first positive that Manila was an open city?

A The afternoon of the 2nd of January, 1942. The first time that I learned it was true was on the 2nd of January, 1942, in the afternoon. I came to Manila and I saw the big banner on City Hall, and notices on the buildings saying "Open City." I don't know very much English, but I learned later that this is what they said.

Q Did the plan of operations of the Army Air Force ever include bombing missions on the City of Manila?

A Since the destruction of the American-Filipino Air Force was one of the missions of the 5th Air Group, there

was a possibility that the air fields in the Manila vicinity were bombed.

Q What was the general physical condition of Japanese troops at the time of the first assault on Bataan?

A Do you mean their health before the opening of the first attack on Bataan?

Q That is correct.

A Before the first operations against Bataan, the condition of the health of the troops was not bad.

Q What was the total effective strength of the Japanese troops at this time?

A The strength of the forces opposing Bataan at the time of the first attack against Bataan was approximately 10,000.

Q How long did this first attack on Bataan last?

A Approximately one month.

Q Were more than the initial 10,000 troops subsequently employed in this attack?

A After the opening of the campaign, the troop strength gradually increased.

Q How many additional troops were employed in this first attack?

A Approximately 10,000 troops were gradually entered into the fight.

Q Does that make a total of 20,000 troops employed?

A Yes.

Q What were the casualties from disease and battle sustained by Japanese in this attack?

A As I remember it there were approximately 7,000

killed and wounded, and approximately 10,000 sick in the combat units. Thus, the effective strength was les than 3,000 -- was about 3,000.

Q Why did this attack -- strike that.

Why was this attack halted?

A The first reason is that the Japanese troops had made insufficient preparations for attacks against the well-prepared positions of the American-Filipino forces on the Bataan Peninsula. The second thing was that the troop strength of the Japanese forces had been gradually committed, or dissipated, in the fight. The third thing was that the amount of artillery that the American forces had was extremely large. The fourth thing was that the training for the conditions and methods in jungle warfare were insufficient. And the last and important reason was that the troop strength [illegible] diarrhea, and other illnesses.

Q You mean diarrhea, or dysentery?

A I don't know whether it was diarrhea or dysentery.

Q What was the Japanese estimate as to the number of American and Filipino troops in Bataan at this time?

A I estimated the strength of the Filipino-American forces on Bataan Peninsula as between forty and fifty thousand.

Q Where was General Homma's Headquarters at this time?

A At San Fernando.

Q When was the next assault on Bataan started?

A On the 3rd of April, 1942.

Q Why was it not started before that date?

A Time was taken out from the arrival of reinforcements to the time when they were brought to Bataan Peninsula, and we needed time to get replacements from Japan for the casualties in the 65th Brigade and the 16th Division.

GENERAL DONOVAN: The Commission will reconvene at 8:30 tomorrow morning.

(Whereupon, at 1620 hours, 29 January 1946, the trial was adjourned until 0830 hours, 30 January 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXI

PAGES 2578 TO 2650

MANILA, P. I.

DATE 30 January 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

High Commissioner's Residence,
Manila, P. I.,
30 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDI	RECR	COMMISSION
Yoshio Nakajima (Resumed)	2578	2596	2617	2617	2613-2618
Seiichi Ohta	2619	2624 2634			2629
Kishio Kitajima	2635	2646			2649

EXHIBITS

DEFENSE EXHIBIT:	FOR IDENTIFICATION	IN EVIDENCE
C		2639

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution is present and we are ready to proceed.

YOSHIO NAKAJIMA

a witness on behalf of the Defense, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters Major Pratt, Lieutenant Onodera, and Staff Sergeant Ogita:

DIRECT EXAMINATION (resumed)

MAJOR SKEEN: Will you read the last two or three questions, please?

(Record read.)

Q (By Major Skeen) When did these reinforcements arrive after the halt of the first offensive on Bataan?

A (Through Major Pratt) The 4th Division and the Nagano Detachment arrived at Lingayen from the latter part of February on. The Ikuta Detachment arrived at Lingayen in the first part of April.

Q What was the total strength after arrival of these reinforcements and replacements?

A The total troop strength on Bataan was approximately 54,000.

Q What were the approximate losses incurred in the second assault on Bataan?

A Approximately 4,000.

Q When did you first hear that the American troops on Bataan were going to surrender?

A On the 9th of April, 1942.

Q About what time of the day?

A I learned that about 9:30 on the morning of April 9th, that the parlementaire for the American forces came to the Nagano Detachment.

Q What did you do?

A I immediately informed the First Department and the chief of staff and the commanding officer. I also sent down to each unit the fact that we thought that the American and Filipino forces on Bataan were going to surrender, but we were not sure, as an intelligence report.

Q What was the tactical situation at this time?

A On the 3rd of April we attacked the U. S. positions on Bataan, and on the 7th we broke through their second line of defense. However, there was still the possibility that under cover, or under the support of the guns of Corregidor the Filipino-American forces could counter-attack.

However, by the night of the 8th it became apparent that gradually the chances to counter-attack were disappearing and there was confusion and disorder in the American-Filipino forces in the vicinity of Cabcaben and Little Baguio.

Based upon the above information on the morning of the 9th we deployed our troops on the western sector of Bataan. After putting into effect this order, the report came from the Nagano Detachment, as I stated before.

Q Was any staff member sent to the headquarters of the

Nagano Detachment?

A Yes. Upon report from the Nagano Detachment that contact had been made, Staff Officer Nakayama was sent to the Nagano Detachment to effect negotiations with the Filipino-American forces.

Q When did Nakayama return and what did he report?

A I believe that Nakayama returned at 1:00 p. m. on the 9th; 1:00 or 2:00 p. m. on the 9th. He reported at first that the total surrender of the Filipino-American forces in the Philippines was not effected. However, the American commanders on Bataan would surrender to the Japanese commanding officers in the particular vicinity.

Q Was there any formal document of surrender?

GENERAL DONOVAN: Ask him to answer that yes or no, will you, please?

A (Through Major Pratt) No.

Q (By Major Skeen) Was any effective time of surrender set?

GENERAL DONOVAN: See if you can do that whenever possible -- keep them to yes and no answers.

A (Through Major Pratt) Nothing was definitely fixed.

Q (By Major Skeen) Were orders concerning prisoners of war issued at the time of Nakayama's return to headquarters?

A Yes, there were.

Q Had you previously seen this plan for the handling of prisoners of war?

A Yes, I had.

Q Can you state in general terms what the plan was, and

also when you saw it?

GENERAL DONOVAN: Before you answer that question --

Do you expect him to testify that it was any different than what he got from the chief of staff?

MAJOR SKEEN: No, I do not, sir, but I do not think that it is sufficient to rest the proof of this plan on the testimony of one witness. Many of them will testify to the same point.

GENERAL DONOVAN: How about rephrasing the question and ask him if it was the same plan that the chief of staff approved. We don't want all the general provisions of it.

MAJOR SKEEN: I don't mind asking that question, but I do not know whether the witness is qualified to answer that.

GENERAL DONOVAN: Well, he is on the stand and you can ask him.

MAJOR SKEEN: I will have to find out if he was in a position to know.

GENERAL DONOVAN: The point I am trying to bring out is that we do not have to go through all of this again.

Q (By Major Skeen) Do you know whether this plan was the same as that which had been approved by the chief of staff?

A (Through Major Pratt) Yes.

Q How do you know it was the same plan?

A Because at the time that this plan, the plan for the second attack on Bataan, was formulated, General Homma's approval was requested on this plan.

Q What was the number of prisoners contemplated by this

plan?

A Under this plan the estimated number of prisoners was 40,000.

Q When did you find out the correct figure as to the number of prisoners, and from whom did you find it out?

A On the afternoon of the 9th, after General King came to the headquarters at Balanga, I learned that the number of prisoners would be around 70,000.

Q Did you see any of the American and Filipino prisoners at any time after the surrender?

A Yes, I did.

Q Will you state where you saw them, how many, and what was their apparent physical condition?

A On the morning of the 10th I actually saw the prisoners between Balanga and Cabcaben marching towards Balanga. I was unable to estimate the number of prisoners, but they were continuously marching towards Balanga in groups. Their condition appeared to be one of exhaustion.

Q Were they under Japanese guards?

GENERAL DONOVAN: Just a minute. We must have had testimony from 20 or 30 people that those prisoners were under guard all along that route.

MAJOR SKEEN: Very true, sir, but they were all Prosecution, and I feel the Defense is entitled to show these things with their own witnesses.

GENERAL DONOVAN: Did the chief of staff testify they were under guard?

MAJOR SKEEN: That is so, sir. But again I would like to state we don't want to depend on the testimony of

a single witness.

GENERAL DONOVAN: Well, we will have to decide some of these things up on the Commission.

But go ahead and answer that question.

Ask him to answer the question, will you, whether they were under guard.

Is that the question?

THE REPORTER: Yes, sir.

A (Through Major Pratt) Some groups had one or two guards, and some groups there were none at all. But all in all there were very few.

Q (By Major Skeen) Did you observe the concentration area for prisoners at Balanga?

A Yes, I did.

Q Will you describe it?

A On the 14th I saw the assembly point for prisoners at Balanga one or two times from my automobile. The situation there was that some of the people were resting in the shade, some were receiving Japanese Army rations, and some were swimming in the river near the concentration area.

Q Do you know whether General Homma ever personally saw any of the prisoners in this concentration area?

A I don't know.

Q Was this area visible from General Homma's headquarters?

A You couldn't see it from the headquarters.

Q Do you know whether General Homma ever rode along the route of march while the prisoners were being moved to

San Fernando?

A On one day, between the 22nd and the 24th of April, he went from Balanga through San Fernando to Clark Field.

Q On your trips to Cabcaben after the surrender, did you see any American and Filipino transportation and, if so, how much?

A Approximately 1,000 meters to the west -- in the area from Orion to west of Cabcaben, approximately 1,000 meters, I saw 50 American trucks, but they were all out of commission.

Q Is that all the transportation you saw?

A On the 17th of April, when I went to Sisiman Bay, which is east of Mariveles in the vicinity of Little Baguio, I saw 20 other trucks, but these also were broken down.

Q After the surrender of General King, when were plans made for assault on Corregidor?

A It was planned with the approval of the commanding general to attack on the 27th.

Q Generally, what did those plans include as to artillery fire?

A It was decided that the Army artillery would fire for three days before the beginning of the landing --

GENERAL DONOVAN: That is another case: I think we could assume that any attack that was made, the plans included artillery fire, and that artillery is going to be just what they put in there.

MAJOR SKEEN: The times on which the artillery was fired is important on the specification --

GENERAL DONOVAN: The question was, "What were the

plans for artillery fire?"

MAJOR SKEEN: That is correct, sir.

GENERAL DONOVAN: Would you please ask him what times were involved?

Q (By Major Skeen) Was there any artillery fire planned for the night of the 5th of May?

A Yes, there was.

Q When was that to be placed on the island?

MAJOR PRATT: Do you mean at what time?

Q (By Major Skeen) At what time was that fire to be laid down, and at what place?

A (Through Major Pratt) It was to be fired on the night of the 5th, between 10:30 and 11:00 o'clock, in the area designated for the landing of the 4th Division landing teams, in order to support their landing.

Q Was there any fire planned for the night of the 6th of May?

A On the night of the 6th it was also planned to carry out artillery fire.

Q Did the 4th Division actually land on Corregidor on the 5th of May?

A Yes, they did.

Q Was this initial landing successful?

A It was successful.

Q Approximately what were the losses?

A The units that landed on the night of the 5th suffered approximately one-third casualties.

Q Did any staff officer of the Army Headquarters accompany the troops on the initial landing?

A Yes; Staff Officer Nakayama was dispatched.

Q Do you know why he was sent?

A First, he was to aid in the landing operation; and second, in the event that the United States parlementaire should come, he could negotiate with him.

Q Do you know whether he was authorized to accept the surrender of all American forces from General Wainwright?

A He did not.

Q What were his instructions in this case? Should the surrender of all American forces be tendered, what were Nakayama's instructions?

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

MAJOR SKEEN: May I have the question read?

(Question read.)

A (Through Major Pratt) In the event of a total surrender of the American forces, it was the intention of the Army commander that he personally see the Supreme Commander of the American forces.

Q (By Major Skeen) When did you first hear the white flag had been raised on Corregidor?

A I learned of it about 12:30 noon of the 6th of May, through the report which came through telephone -- which came by telephone from the Army Artillery Headquarters.

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A I learned of it about 12:30 noon of the 6th of May, through the report which came through telephone -- which came by telephone from the Army Artillery Headquarters.

Q What did you do when you received this report?

A I immediately reported this to the chief of staff and the commanding general. I received an order from the commanding general to immediately transmit the message to the Army Artillery and to the aircraft units to cease firing until further order. I immediately dispatched this order to the Army Artillery Headquarters.

GENERAL DONOVAN: Just a minute.

He has answered the question, hasn't he?

MAJOR SKEEN: He has something further to say. It may be additional information.

GENERAL DONOVAN: All right, let him go.

A (Continuing) To the Army Air units I transmitted thir order through the combined usage of telephone and telegram, and to the senior staff officer.

Q (By Major Skeen) When did you first hear that General Wainwright wanted to discuss surrender terms?

A I remember it as being at 3:30 p.m. of the 6th of May.

Q Did you, yourself, receive this message?

A Yes, I received it directly.

Q Who was it from and exactly what was the contents?

A Telegram addressed to the chief of staff and Staff Officer being Nakayama. The contents of the telegram was that "Staff Officer Nakayama will take General Wainwright to Cabcaben at six o'clock Japan time," which I think is five o'clock Philippine time, and "to prepare the meeting with General Homma."

Q What did you do upon receiving this message?

A I immediately reported it to the chief of staff and the commanding general.

GENERAL DONOVAN: If he did anything unusual we would like to know it, but that is ordinary procedure.

MAJOR SKEEN: The question is whether the ordinary procedures were taken.

GENERAL DONOVAN: Ask him if he took ordinary procedures, and if he did anything different we want to know it.

MAJOR SKEEN: May he complete this answer?

GENERAL DONOVAN: Yes.

I would like to, before you answer that, amplify that we know that the meeting was held, the approximate time, and there is to be no question that the meeting was not held, and the fact that he made arrangements for the meeting was beside the point. We know the meeting was held. There is no need in going through that.

All right, answer the question.

A (Continuing) The commanding general told me he would meet General Wainwright, so I immediately sent this answer to Staff Officer Nakayama by telegram; then at the same time I left for Cabcaben to prepare for the conference.

GENERAL DONOVAN: You see what I mean? We know they had the meeting.

Q (By Major Skeen) Tell as accurately as you can what took place at the meeting.

GENERAL DONOVAN: That is all right.

A I think it was about 5:20 or :30, General Wainwright, accompanied by Colonel Nakayama, came to Cabcaben, and there I had dispatched automobiles to the dock at Cabcaben

to receive General Wainwright, and General Wainwright came to the conference place that I arranged at that time.

GENERAL DONOVAN: We have him up to the port. Will you ask definite questions, please? We don't care whether he came by automobile, or whether he walked.

Q (By Major Skeen) What took place at this meeting?

GENERAL DONOVAN: Tell him we want to find out what happened at the meeting.

A At five o'clock the commanding general arrived. The commanding general and General Wainwright were sitting across from each other when the conference began.

GENERAL DONOVAN: Ask him what happened at the meeting, will you? We don't care how they were seated.

THE WITNESS (through Major Pratt): General Homma asked General Wainwright, "Are you the Supreme Commander of all the American and Filipino forces in the Philippines?"

General Wainwright answered, "No."

General Homma asked General Wainwright, "As a successor to General MacArthur are you not the Supreme Commander of all the Philippine forces in the Philippines?"

General Wainwright answered, "Although I succeeded General MacArthur part of the command was delegated to General Sharp."

General Homma asked, "When did this happen?"

General Wainwright answered, "About a week ago."

General Homma asked General Wainwright, "Can you get back that command authority from General Sharp?"

General Wainwright answered, "There is no means of communicating with General Sharp."

General Homma then said, "If that is the case, how about sending one of your staff members to General Sharp on the plane?"

General Wainwright answered, "Because I have no command over the Visayan-Mindanao Sector, I cannot do that."

"If this surrender is not the total surrender of all the American and Filipino forces in the Philippines, there is no necessity of continuing the discussion," said General Homma. General Homma further said, "The surrender of the Manila fortress forces can be effected by surrendering to the commanding officer of the landing forces there."

That is the essence of the conference.

GENERAL DONOVAN: Will you read that answer back, the last part?

(Record read.)

Q (By Major Skeen) Were you present at this conference?

A Yes, I was present.

Q Did General Wainwright say that the American troops had laid down their arms at noon on the 6th of May?

A No, he did not.

Q What time did the meeting end?

A About six o'clock.

Q At the conclusion of the meeting what was the situation of the Japanese troops on Corregidor?

A As I stated before, the part of the 4th Division which landed on the night of the 5th suffered one-third casualties. If General Wainwright were to return to Corregidor and launch a counter-attack with his fortress forces the fate of the Japanese landing forces would be in

a precarious position. The strength of the Japanese forces at the time was about 2,000.

Q What was General Homma's decision as a result of this situation?

A General Homma went to the command post at Limay and decided that the main strength 4th Division would launch landing operations as scheduled, and he issued the order to resume the attack as per the command. It was 1900 hours.

Q When did you next hear that the Americans were going to surrender?

A I think it was six or seven o'clock on the morning of the 7th.

Q When did General Homma move his headquarters to Manila?

A 9th of May.

Q Do you know whether the Director of Military Administration had authority to issue orders to the Military Police?

A Yes, I know. In the Army order of January, 1942, the Military Administration Section was delegated the authority to issue orders to the Army Military Police Unit, in so far as policing and maintenance of peace and order were concerned.

GENERAL DONOVAN: I want to get that answer read back -- the question and answer read back.

(Question and answer read.)

GENERAL DONOVAN: That is all right.

Q (By Major Skeen) Do you know whether this order was ever revoked?

A It was not revoked.

Q Can a commanding general in the Japanese Army relieve any of his staff officers or senior unit commanders without authority from higher headquarters?

A No, he does not have that authority. The appointment and assignment of the officers were supervised by the Army Administrator. Therefore, if the commanding general of the Army desires to change these officers these matters had to be reported to the Tokyo Headquarters through the Southern Army Headquarters.

GENERAL DONOVAN: We don't care anything about a history of this. The answer to the question was "No," and he told generally why. It is all right with me, as far as the Commission is concerned, he couldn't do it.

MAJOR SKEEN: The answer -- he is explaining it, and now I would like to have the explanation.

GENERAL DONOVAN: We don't care for any more of it. We have enough of it right now. Will you ask the next question?

Q (By Major Skeen) Do you know a Lieutenant Colonel Matsunobu Tsuji?

A It is Tsuji, Masanobu.

Q Who was he?

A At the time of the second Bataan operation he was the staff member, a staff member of the Imperial Headquarters.

Q Was he ever in the Philippines?

GENERAL DONOVAN: Just a minute, please. Will you admit, Colonel Meek, that he was in the Philippines?

COLONEL MEEK: Yes, sir.

GENERAL DONOVAN: We will agree that he was in the Philippines.

Q (By Major Skeen) Will you state when he was here and what places he visited?

A (Through Interpreter Onodera) He was a Lieutenant Colonel then. He came to the army headquarters at Orani about the 1st of April, 1942, and he was there until about the 6th, all during the second Bataan attack, and he was at Bataan -- I heard that he was returning to Tokyo through Formosa on the 7th. However, on the afternoon of the 10th of April he again came to the army headquarters at Balanga and he was there until evening, and later went out to the front lines. After that he seemed to have returned. I don't know exactly when he went back to Tokyo.

GENERAL DONOVAN: Before you ask the next question on Tsuji, the chief of staff to the best of my knowledge has testified that this Tsuji was on the Imperial General Staff. He visited the various general headquarters. The

chief of staff and Homma agreed with this Tsuji as to the treatment. I wish you would get together with Colonel Meek and find out where we are going with Colonel Tsuji, if it is different than what the chief of staff testified to. Let's see if we cannot get from this witness just what we want to know about Colonel Tsuji.

We will take a short recess at this time, and you can get together on that.

(Short recess.)

(GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present, with Defense counsel. The Prosecution is present, and we are ready to proceed.

MAJOR SKEEN: If the Commission please, I would like to have the reporter read the remarks of the Commission just prior to the recess.

GENERAL DONOVAN: All right, will the reporter read that last remark.

(Record read.)

MAJOR SKEEN: If that statement is the impression of the Commission, I would like to request that we be allowed to recall our first witness, because his testimony was not to the effect that General Homma and General Wachi agreed with Tsuji.

GENERAL DONOVAN: Well, I meant did not agree with Tsuji. He did not agree with Tsuji as to the type of treatment that should be given; they did not agree.

Is there any objection by any member of the Commission on that?

(There was no objection by any member of the Commission.)

GENERAL DONOVAN: I intended to say "did not." If I said "did" it is incorrect. The whole point that I wanted to make there, what I wanted to do with this particular witness, is to get down to the meat of this testimony as quickly as we can.

MAJOR SKEEN: We were not going to question this witness along that line.

GENERAL DONOVAN: I just want to let you know what the Commission's idea is as to what the chief of staff testified to as to what Colonel Tsuji said. We know he testified that General Homma and no member of his staff agreed with Tsuji's ideas.

Proceed.

Q (By Major Skeen) After landing in the Philippines were instructions issued concerning discipline of Japanese troops with regard to civilians?

A (Through Interpreter Ogita) Yes, it was issued.

Q What section of the staff issued such instructions?

A The First Section.

Q Is that the operations section?

A Yes.

Q Were such instructions issued frequently?

A Issued frequently, yes, especially after the landing of the Japanese troops. As the Japanese troops came in contact more and more with the Filipino residents, instances such as slapping of Filipinos and taking things without permission increased. Various unit commanders were

instructed to supervise the troops strictly on this matter.

Q Do you know whether any officers were ever disciplined by the commander-in-chief?

A Yes.

MAJOR SKEEN: You may cross examine.

GENERAL DONOVAN: Was that last question in connection with the question that preceded it?

MAJOR SKEEN: Yes, that question was in connection with it.

GENERAL DONOVAN: All right.

CROSS EXAMINATION

Q (By Colonel Meek) The orders for the invasion of the Philippines that you received on 20 November 1941, who signed those orders?

A It was the order of the Supreme Southern Command.

Q What was the invasion date of those orders?

A In that order the date for the invasion was not indicated; separate orders were given.

Q What were the separate orders?

A The date for the invasion was determined the 8th of December.

Q What was the date of that last order?

A I do not remember the exact date, but I remember it as being somewhere close to the last day of November.

Q When did you leave Formosa -- strike that. When did the first invasion troops leave Formosa to invade the Philippine Islands?

A Zero hundred on the 8th.

Q The 8th of what?

A December, 1941.

Q Is that the day they left Formosa or is that the day they landed in the Philippines?

A The day they left Formosa.

Q How long did it take the movement of the troops from Formosa to the landing on the Philippines?

A Since they landed on northern Luzon around dawn of the 10th, it took them over two days and two nights.

GENERAL DONOVAN: Isn't all that on this Defense exhibit?

COLONEL MEEK: Yes, but that exhibit, if the Court please, the dates he testified to do not correspond to any date on the exhibit. I called that to the Commission's attention yesterday.

GENERAL DONOVAN: He testified yesterday the initial landings on Luzon were the 10th of December.

COLONEL MEEK: He did not give an hour for that, but now it is dawn of the 10th.

GENERAL DONOVAN: All right. The same remarks apply to the Prosecution as well as the Defense, in connection with the testimony that has already been given by the witness.

COLONEL MEEK: What is that, sir?

GENERAL DONOVAN: The same remarks apply in connection with the witness on those items that we have had a lot of testimony on, unless you have some particular reason for it.

COLONEL MEEK: That is my intention, sir.

Q (By Colonel Meek) Does the Japanese Army have any

printed regulations covering the treatment of prisoners of war?

A (Through Interpreter Ogita) Yes.

Q Was there anything in General Homma's instructions to his army on the invasion of the Philippines different than are in those printed regulations concerning the care and treatment of prisoners of war?

A The army in Formosa had regulations based upon instructions from the central authorities.

Q Were they any different than the instructions issued by Homma?

A No.

Q You say in your testimony that Nichols Field was not used by the army. Did the army have prisoners of war working on Nichols Field?

A I did not know about that thing.

Q You would know if prisoners of war were employed on Nichols Field?

A I do not know.

Q You never heard of a prisoner of war camp over at Pasay School?

A I do not know.

Q When you speak of receiving telegrams, do you refer to radio communication or wire communication?

A Wireless telegram.

Q Then the telegram that you got on or about 28 December, announcing that Manila was an open city, was a wireless message?

A I think it was a wireless telegram.

Q Where did it come from?

A From Tokyo.

Q Was your headquarters in daily communication by wireless with Tokyo, from the 24th of December on beyond the 28th of December?

A Yes, it was possible.

Q I didn't ask if it was possible; I asked if they were in daily communication?

A I do not remember whether we had communications every day or not.

Q You were the intelligence officer at that time, were you?

A Yes.

Q Do you recall whether you made any reports to Tokyo of your initial landing?

A As to the success of the landing, reports were made.

Q By wireless?

A Yes.

Q Did you, as intelligence officer, make a daily wireless progress report to Tokyo?

A Yes. Those reports are made, but not every day.

Q There was no interruption of wireless communication between Homma's headquarters and Tokyo during all of that time?

MAJOR SKEEN: Will you specify what time, please?

COLONEL MEEK: From the day of the landing until the 1st of January, 1942.

GENERAL DONOVAN: Let us get that question again.

(The question referred to was read by the reporter

as follows:)

"Q There was no interruption of wireless communication between Homma's headquarters and Tokyo during all of that time, from the day of the landing until the 1st of January, 1942?"

A As far as I remember, I don't think there was any interruption.

Q (By Colonel Meek) As intelligence officer, did you have in your headquarters any means of contacting Manila or intercepting messages of the American forces?

A At the time, there weren't any.

Q Now, you say that you learned about Manila being an open city from Filipinos. Where was that?

MAJOR SKEEN: If the Commission please --

GENERAL DONOVAN: I don't believe he testified to that. Before you answer that question, it is not my recollection that he testified to that particular point.

MAJOR SKEEN: It is not mine either, sir.

COLONEL MEEK: I am quite sure the record will show that he said that he contacted some Filipinos and heard from them that Manila was an open city.

MAJOR SKEEN: If the Commission please, my recollection of the testimony is that at one of the meetings of verifying this initial report was to instruct his front units to try to talk to Filipino civilians in their vicinity, and I don't recall the witness ever saying that he received or learned that the city was open from them.

GENERAL DONOVAN: Rephrase the question, will you, Colonel Meek?

COLONEL MEEK: I will withdraw it, and they can check

it in the record.

Q (By Colonel Meek) Where were General Homma's headquarters from the 24th of December to the 28th of December?

A From the 23rd of December until the morning of the 27th, the headquarters were at Bauag on the Lingayen Coast. On the 28th, in the afternoon, the headquarters were moved to Binalonan.

Q Afternoon of the 28th?

A We left the morning of the 28th and reached Binalonan in the afternoon of the 28th.

Q Now, it was at Binalonan that you first learned that Manila had been declared an open city, is that right?

A Yes.

COLONEL MEEK: Now, if the Commission please, turning to page 2574, Volume XX of the record, the question was asked, "What did you do when you received this message?"

"A I immediately informed the chief of the First Section, the chief of staff, and General Homma. After I made the report, I contacted the Fifth Air Group and the 48th Division, to have them ascertain whether or not it was correct. And then we contacted the Filipinos in order to determine whether or not it was true."

MAJOR SKEEN: If the Commission please, I request that this witness be asked who was to contact the Filipinos. I have no objection to that question.

COLONEL MEEK: What is that again?

MAJOR SKEEN: Who was to contact these Filipinos; also be reminded, of course, of the entire question.

GENERAL DONOVAN: Give him approximately what is in

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A At the time, there weren't any.

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GENERAL DONOVAN: I don't believe he testified to that. Before you answer that question, it is not my recollection that he testified to that particular point.

MAJOR SKEEN: It is not mine either, sir.

COLONEL MEEK: I am quite sure the record will show that he said that he contacted some Filipinos and heard from them that Manila was an open city.

MAJOR SKEEN: If the Commission please, my recollection of the testimony is that one of the means of verifying this initial report was to instruct his front units to try to talk to Filipino civilians in their vicinity, and I don't recall the witness ever saying that he received or learned that the city was open from them.

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COLONEL MEEK: What is that again?

MAJOR SKEEN: Who was to contact these Filipinos; also be reminded, of course, of the entire question.

GENERAL DONOVAN: Give him approximately what is in

there, then ask that question.

Q (By Colonel Meek) You testified that after receiving the report of Manila being an open city, that you informed General Homma and you asked the Fifth Air Group and the 48th Division to find out if it was correct, and then "we" contacted the Filipinos in order to determine its truth.

(Translated to the witness by Interpreter Ogita.)

GENERAL DONOVAN: Wait a minute. What did you want to ask? "What do you mean by 'we' contacted the Filipinos?"

COLONEL MEEK: That is what I was going to ask.

GENERAL DONOVAN: Is that what you want?

MAJOR SKEEN: That is a satisfactory question.

Q (By Colonel Meek) What do you mean by "we" contacted the Filipinos?

A (Through Interpreter Ogita) By that, it means that as the senior officer engaged in intelligence work, I asked the Filipino officials in the Municipal Building in the town of Binalonan.

Q Handing you Exhibit A, it appears that you have three jobs: Operations, intelligence and training.

A (Through Interpreter Onodera) Yes. My chief duty was the intelligence. The operation and training was the secondary duties assigned to me.

Q Did you remain as intelligence officer during all of the time that Homma was in command in the Philippines?

A No. In the middle of March my duties were switched, and I went into the operations section, and I was relieved from the intelligence section.

Q In the middle of March 1942?

A Yes.

Q And then is when Major Haba took over the intelligence department?

A Yes. Major Haba became my successor in the intelligence section.

COLONEL MEEK: May this chart, then, be corrected to show that?

MAJOR SKEEN: Yes, it is agreeable to enter the dates of that time.

COLONEL MEEK: That is all I want to know.

Q (By Colonel Meek) Then any of your testimony after the 15th of March, 1942, is as an operations officer, not as intelligence officer?

A (Through Interpreter Ogita) Yes.

Q Then did you have anything at all to do with the surrender of General King?

A No.

Q Then your testimony as to notifying Homma at his other headquarters was not of your own knowledge, but what someone else told you was done?

GENERAL DONOVAN: See if you can break that down a little bit.

COLONEL MEEK: I will, but what I am getting at, this witness has testified that on the 9th of April, apparently still in the capacity of an intelligence officer he immediately when he learned that a parlementaire was coming to the Nagano Detachment -- he immediately notified General Homma's headquarters.

GENERAL DONOVAN: He didn't say he was intelligence officer; he was in the staff up there.

MAJOR SKEEN: If the Commission please, he ceased to be intelligence officer in the middle of March.

COLONEL MEEK: Well, this is April.

MAJOR SKEEN: Well, you said that he was intelligence in April.

COLONEL MEEK: No, I said he wasn't the intelligence in April.

GENERAL DONOVAN: It doesn't make any difference. He was a staff member, and we realize that up here.

Q (By Colonel Meek) How many times did you travel along the road that the prisoners were being evacuated on, during the time of the evacuation?

A I did not go north of Balanga.

Q How many times did you go south from Balanga, and what dates?

A I made a round trip between Balanga and Cabcaben on the morning of April 10. On the 14th I made a trip between Balanga, Cabcaben and Sisiman Bay. On the 17th of April I made a round trip between Balanga and the headquarters of the Fourth Division, which was located in the mountains northwest of Cabcaben.

Q On all of these trips did you observe prisoners of war walking along the road?

A On the morning of the 10th between Balanga and Cabcaben I saw the prisoners going north.

Q Did you see any on any of these other days?

A The other days I did not practically see any.

Q Did you see any dead bodies along the route of the march?

A On the 14th between Limay and Cabcaben I saw one dead body lying on the road.

Q Was that an American or Filipino?

A Filipino.

Q Did you make any examination to see the cause of death?

A I was traveling on this road by automobile and I had to slow down considerably to pass the bodies, so I was able to observe fairly closely, and I think this person fell out of the march.

Q Now, you testified to visiting or seeing the prisoners of war in the concentration camp at Balanga. How many prisoners did you observe there at that time?

A At that concentration point there were a considerable number of prisoners. I can't estimate the number clearly, but there may have been four or five hundred prisoners there.

Q Did you observe any of them receiving any first aid or medical attention?

A I don't know.

Q Did you observe any place there that was set up for a kitchen to feed them?

A Yes, I saw.

Q Did you see them feeding the prisoners of war?

A Yes, I saw that.

Q What were they feeding them?

A Rice gruel, which was made by cooking the rice in a large amount of water.

Q Did the prisoners of war have containers to receive this food?

A Yes, they had.

Q Furnished by the Japanese army?

A It was their own.

Q Did you observe the facilities for drinking water at this camp at Balanga?

A It did not come to my attention.

Q The prisoners of war that you saw walking on the 10th of April, did you observe whether they had canteens with them or not?

A I noticed that there were people who had canteens, but I don't know if everyone had them or not.

Q This visit of yours to the Balanga camp was on the 14 of April?

A On the 14th of April I passed the concentration point at Balanga twice.

Q You didn't stop your car either time?

A I did not stop it.

Q Now, you have testified that on the 17th of April you observed about 20 American vehicles, wrecked vehicles, down in the vicinity of Mariveles.

A It was not at Mariveles; it was in the vicinity of Little Baguio.

Q Did you observe any American transportation that was not wrecked?

A I did not see a single American vehicle in perfect condition. The ones I saw were either turned over on the side of the road or crashed into the jungles or burned on

the road and they were all destroyed. None of them could be used for transportation.

Q You have only testified to seeing 20 at one time and about 20 at the other time. That is a total of 40 vehicles. Is that all you saw?

GENERAL DONOVAN: Did he testify to that?

COLONEL MEEK: He made two trips.

MAJOR SKEEN: I believe he said 50 and 20.

GENERAL DONOVAN: 50 and 20.

COLONEL MEEK: I will settle for 70.

GENERAL DONOVAN: That is right.

A I said that the first trip I saw about 50, and then later, the second time, I saw about 20.

COLONEL MEEK: A total of 70 American vehicles.

Q (By Colonel Meek) Is that what you did see?

A Yes, I think it was around 70.

Q Do you know whether any American vehicles had been evacuated north toward San Fernando before this trip that you had made by the Japanese?

A From where?

Q From Mariveles, Balanga, or any of the territory that was occupied by General King at the time of his surrender?

A No, they definitely did not evacuate any to the rear.

Q The Japanese did not evacuate any to the rear? Let's get it straight so we will understand.

A The Japanese Army did not evacuate any American or Filipino vehicles for the purpose of using them to the

rear.

Q I didn't ask him as to what purpose they were using them for. I asked him if they evacuated any.

A They did not bring any to the rear.

Q I understood you to testify that Nakayama, who accompanied the landing on Corregidor, had no authority to accept surrender. Is that right?

A Yes.

Q Was he instructed that if General Wainwright offered to surrender he was to bring him to Bataan Peninsula?

A Yes.

Q You say it was as late as 3:30 in the afternoon of 6 May when you received the wireless message from Nakayama stating that Wainwright wanted to surrender?

A Yes.

Q That was approximately three hours after you received the report of the white flag on Corregidor?

A Yes, about three hours.

Q And immediately on -- strike that. At about 12:30 on 6 May all firing by the Japanese on Corregidor was ordered stopped, is that right?

A The army artillery unit and the army air unit were ordered to discontinue bombing and shelling until further orders.

Q Then at that time General Homma honored the white flag as being a surrender flag?

A I don't think the Commanding General recognized the white flag as a flag for surrender.

Q What did he recognize it as?

A He believed it to be the expression of intention of

General Wainwright to negotiate with the Japanese.

Q Now, when General Wainwright arrived at Cabcaben was he in custody of Nakayama?

MAJOR SKEEN: At this time I object to the use of the word "custody." If the question is, was he accompanied by, that is all right. The witness has indicated that General Wainwright wasn't in custody of anyone.

GENERAL DONOVAN: The witness can say that he wasn't. He can say whatever he wishes. The question will be answered.

A No.

Q (By Colonel Meek) What was his situation on his arrival at Cabcaben?

A I think that he escorted General Wainwright and considered General Wainwright as the supreme commander of the American-Philippine Army, who wished to interview or who wished to meet General Homma.

GENERAL DONOVAN: I just want to say to Prosecution also, the last two or three questions do not make any particular difference. We know what the situation was when General Wainwright went over there. We have about two or three minutes before we recess for lunch. I would like for you to inquire on a couple of points for us before we leave. If the division commander delegates certain authority to the regimental commander, does this relieve the division commander of all the responsibility of action of the regimental commander? Phrase that any way you wish, but I want it on that level.

Q (By Colonel Meek) If the division commander dele-

gates certain authority to the regimental commander, does this relieve the division commander of all the responsibility of action of the regimental commander?

GENERAL DONOVAN: (To Interpreter) Do you understand the question?

INTERPRETER ONODERA: No, I did not write it down.

GENERAL DONOVAN: Read the question.

(Question read.)

MAJOR SKEEN: If the Commission please, I would like to have the responsibility as to what was specified before.

GENERAL DONOVAN: (To Interpreter Onodera) Read that back, what you are going to say.

INTERPRETER ONODERA: I have it in Japanese.

GENERAL DONOVAN: Read it back in English, what you are going to say.

INTERPRETER ONODERA: "If a division commander delegates certain authority to the regimental commander, does this relieve the division commander of all the responsibility of action of the regimental commander?"

MAJOR SKEEN: I would still like the witness to be asked whether it is criminal responsibility or moral responsibility or what is meant by that.

GENERAL DONOVAN: I want to ask this particular question.

A (Through Interpreter Onodera) In what sort of a situation?

GENERAL DONOVAN: The usual routine situation.

A (Through Interpreter Onodera) I think that the division commander is relieved of responsibility.

GENERAL DONOVAN: You testified that the army commander had delegated authority to Director of Military Administration for control of the civilian population and other things. I don't remember exactly what the other things were. Is it your idea that that relieved General Homma from all responsibility of the action of the Director of Military Administration?

A Yes, I think he is not responsible -- General Homma is not responsible.

GENERAL DONOVAN: Recess until 1330.

(Whereupon, at 1135 hours, a recess was taken until 1330 hours, 30 January 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

YOSHIO NAKAJIMA

a witness on behalf of the Defense, on the stand at the time of recess, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters Major Pratt, Lieutenant Onodera, and Staff Sergeant Ogita:

GENERAL DONOVAN: Major Skeen, in view of the answer to that last question that I asked before lunch, do you still want to carry that subject on any further at this time?

MAJOR SKEEN: I am satisfied to drop the subject where it is.

COLONEL MEEK: I have one question.

Will you remind the witness that he is still under oath?

(Whereupon the witness was reminded that he was still under oath.)

CROSS EXAMINATION (resumed)

Q (By Colonel Meek) The communications that you had from your headquarters over to Corregidor on the 6th of May, was that by wireless?

A (Through Major Pratt) Yes, it was radio.

Q Did you have radio or wireless communication from your headquarters on 6 May with Manila?

A We were using wire telegraph.

COLONEL MEEK: No further questions.

MAJOR SKEEN: I have no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Gard) At the initial landing in the Philippines, did you land at Vigan?

A Yes, I landed at Vigan.

Q How large a force landed there on the 10th of December?

A The force which landed at Vigan was about a battalion and a half, with a personnel strength of approximately fifteen to sixteen hundred men.

Q From what division did they come?

A It was part of the 48th Division.

Q What force first landed in the Visayas?

A The Kawaguchi Detachment landed on Panay on the 5th of May -- I wish to make a correction. On the 5th of May the Kawaguchi Detachment landed on Cebu. On the 10th the Kawamura Detachment landed on Panay.

Q When did the Japanese forces land on Samar?

A On the 25th of May, one-half of a battalion from the Nagano Detachment landed on both Leyte and Samar.

Q Did you assist in preparing this chart referred to as Defense Exhibit B? Do you know the one I mean?

MAJOR SKEEN: I know the one you mean, sir, but I can't find it at this time.

COLONEL MEEK: The testimony of the witness is that

he prepared it.

GENERAL GARD: I was quite sure it was.

GENERAL DONOVAN: It is that map on heavy Manila paper.

GENERAL GARD: It is the colored chart.

COLONEL MEEK: Major Skeen, will the Defense agree that this witness prepared this?

MAJOR SKEEN: The witness testified himself that he prepared it.

GENERAL GARD: I wanted him to have it in his hand while he testified.

Let's go to another question.

Q (By General Gard) The chart you prepared shows a force landing in the Visayas about the 10th of April, is that correct?

A The landing of the Kawaguchi Detachment on Cebu was the 10th of April.

Q After you landed in the Philippines on the 10th of December, when did you leave the Philippines permanently?

A I left Manila for Tokyo on the 16th of December, 1942.

Q Did you return to the Philippines after that?

A No.

Q Were you ever ordered to inspect prisoner of war camps before the 5th of August, 1942?

A No.

Q Do you know if the cease firing orders issued May 6th, to the artillery and the air force, if that was ever received?

A I transmitted the order to the Army Artillery by

telephone. I contacted the senior chief of staff of the Air Force by means of both the telephone and radio.

MAJOR PRATT: May I make a correction?

GENERAL GARD: Yes.

MAJOR PRATT: "The senior staff officer for air."

Q (By General Gard) What time did the senior staff officer for air and the artillery officer receive those orders, receive the orders to cease firing?

MAJOR PRATT: Sir, on that last question, the senior staff officer for air sent the message. He is a member of General Homma's staff.

GENERAL GARD: Change the question.

Q (By General Gard) What time did the artillery officer receive the cease firing order?

A (Through Major Pratt) The conversation on the telephone with the army artillery unit was completed at 12:40 or 12:45 in the afternoon.

GENERAL GARD: That is all.

Q (By General Donovan) Of what day and what year?

A (Through Major Pratt) On the 6th of May.

Q Nineteen what?

A 6th of May, 1942.

Q Did the artillery cease firing in accordance with that order?

A They ceased firing immediately. They had already ceased firing.

GENERAL DONOVAN: That is all.

Q (By General Trudeau) Why was the 48th Division withdrawn on the 9th of January, 1942?

MAJOR SKEEN: Would you like to look at the chart? We have it now.

GENERAL DONOVAN: Let the witness have the chart.

A (Through Major Pratt) The 48th Division was attached to the 16th Army and on orders from Imperial General Headquarters they were withdrawn from action and ordered to concentrate in the Manila area and to prepare for subsequent operations.

Q (By General Trudeau) Did General Wainwright and his staff carry sidearms when they reported to the conference at Cabcaben on 6 May 1942?

A I don't exactly remember.

Q If General Kawane could select Captain Tsuneyoshi to command Camp O'Donnell couldn't he, on his own authority, relieve him and replace him with another officer?

A If General Kawane wanted to relieve Captain Tsuneyoshi he could have.

Q When did you, as a member of the First Section of the Staff, establish your office in Manila?

A In the afternoon of the 2nd of January, 1942, I arrived in Manila, and I was stationed there for some time.

Q After the fall of Corregidor who acted as chief of staff for General Homma during the several periods that General Wachi was away from the Philippines?

A The deputy chief of staff.

Q Who was that?

A Major General Hayashi

GENERAL TRUDEAU: That is all.

Q (By General Donovan) On 6 May 1942 did Japanese

artillery fire on Corregidor after 1300? On 6 May 1942 did Japanese artillery fire on Corregidor after 1300?

Ask him that question.

A (Through Major Pratt) The Army artillery did not fire.

GENERAL DONOVAN: Anything further?

MAJOR SKEEN: One question, sir.

REDIRECT EXAMINATION

Q (By Major Skeen) What would General Kawane have to do to remove Captain Tsuneyoshi?

A If General Kawane wished to relieve Captain Tsuneyoshi he would report this opinion to the commanding general who, in turn, would -- the commanding general of the Army -- who, in turn, would report this to Tokyo through the Supreme Southern Army.

MAJOR SKEEN: No further questions.

GENERAL DONOVAN: Anything further, Colonel Meek?

COLONEL MEEK: One further question.

RECROSS EXAMINATION

Q (By Colonel Meek) Will you indicate on this chart where Kawane fits in?

MAJOR SKEEN: May the record show the witness indicates his name should be in the square entitled "Field Transportation Headquarters."

GENERAL DONOVAN: That is the way I have it.

Q (By Colonel Meek) During what period of time was he in charge of that section?

A (Through Interpreter Ogita) From the beginning of operations until about July, I think.

COLONEL MEEK: That is all I have.

FURTHER EXAMINATION BY THE COMMISSION

GENERAL TRUDEAU: I have one more question.

Q (By General Trudeau) Do you maintain that General Homma could not reassign two officers of company grade in a relatively minor position, graded captain, within his entire Philippine Force, without the authority of Tokyo?

A (Through Major Pratt) Without first obtaining the approval of Tokyo the commanding general does not have that authority during his tenure.

GENERAL TRUDEAU: That is all.

Q (By General Donovan) On the 6th of May, 1942, did any Japanese artillery fire on Corregidor after 1300 -- I mean Army, Corps, Division, or Detachment artillery?

A There was absolutely no fire from the Bataan Peninsula.

GENERAL DONOVAN: Anything further?

COLONEL MEEK: Nothing further, sir.

MAJOR SKEEN: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

SEIICHI OHTA

called as a witness on behalf of the Defense, being first duly sworn through Sergeant Ogita, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera and Sergeant Ogita:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Will you state your name?

A (Through Interpreter Onodera) Seiichi Ohta.

Q Were you a member of the Japanese Imperial Army?

A Yes.

Q What was your rank?

A Colonel.

Q What was your position in the 14th Army?

A Commanding officer of the M. P. units, Philippine M. P. units.

Q When did you arrive in the Philippine Islands?

A On the 25th of December, 1941.

Q When did you go to Manila?

A 2nd of January, 1942.

Q Did you remain there until the 5th of August, 1942?

A I was in Manila until the end of September.

Q Where were your headquarters in Manila?

A When I first arrived there, it was at the Jai Alai; then from the 11th of January, the headquarters was at Fort Santiago.

Q From whom did you take orders in the 14th Army?

A At Manila I received orders from Major General Hayashi, Chief of the Military Administration Section. Anything concerning operation, I received orders from

General Homma.

Q Were there many orders which concerned operations?

A Very few.

Q Did you observe the march of prisoners from Bataan to San Fernando?

A Yes, I did.

Q Was this an official inspection tour?

A When I went up to see General Homma to submit my reports, I was told by -- I was ordered by General Homma specifically to go out and observe the march, especially to observe how the Japanese troops were conducting themselves.

Q What was the date of this order?

A I don't remember the exact date, but it was right after the fall of Bataan. It was in the early part of May.

Q Where did you see the march?

A On Bataan from the initial point of march to San Fernando.

Q Did you cover the whole route of march?

A Yes.

Q How soon after the fall of Bataan was it that you inspected the march?

A It was during the march.

GENERAL DONOVAN: I think there is a question about a date there.

LIEUTENANT PELZ: Yes, sir, I am going into that.

Q (By Lieutenant Pelz) Are you sure it was in early May when you inspected this march?

A Yes, I am sure.

GENERAL DONOVAN: He said that it was right after the fall of Bataan, didn't he?

LIEUTENANT PELZ: Yes, sir.

THE WITNESS: (Through Interpreter Onodera) I am not sure whether it was May or April, but it was right after the fall of Bataan.

GENERAL DONOVAN: That is all that is necessary.

Q (By Lieutenant Pelz) Describe what you saw.

A (Through Interpreter Onodera) The march was conducted in groups, each group composed of about 100 to 150 men.

Q How many guards were there --

A I will continue. And at the head of the group and at the rear of the group a Japanese soldier was placed as a guard. I saw the prisoners at villages alongside the road, receiving their ration and receiving the water supply. Prisoners of war all looked weak and their faces were pale. I surmised that this was due to the malaria and malnutrition in Bataan. I saw some prisoners resting in the shade or in the villages, but I did not see any prisoner drop or dead.

The Japanese soldiers were also marching with the prisoners, and because they were carrying rifles they seemed more exhausted than the prisoners; therefore, I did not see any Japanese soldiers striking the prisoners or mistreating the prisoners.

However, I saw several soldiers with two wrist watches on their wrists, two or more wrist watches on their wrists, and when I asked them how they got those,

they told me that the American prisoners had given them the watches. I reprimanded them, took the watches away from them and gave them back to the American officers walking in the group.

That is all.

Q Did you observe whether the prisoners were given any rest periods?

A Yes, they were allowed to rest.

Q Did you see any dead bodies along the road?

A No.

Q Did you report to General Homma concerning what you saw?

A Yes, I did.

Q What did you report to him?

A Just as I testified, the things I said.

Q Did he make any comment?

A He was very angry about the watches.

Q Did you receive any reports from other officers who inspected the march?

A Yes.

Q From whom?

A I received a report from Captain Tsuruyama, Captain Tsuruyama and Major Matsusaki of the Kempei Tai, and Colonel Nishiharu, Chief of the Judge Advocate Section of the 14th Army, had also performed this same duty of observing the march.

Q What did they report to you?

A The contents of the report were similar to what I just testified.

GENERAL DONOVAN: We will have a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present, and we are ready to proceed.

Q (By Lieutenant Pelz) What was General Homma's policy with regard to treatment of Filipino civilians?

A His policy was to treat them magnanimously and to eventually make them cooperate with the Japanese.

Q When did you learn of this policy?

GENERAL DONOVAN: Just a moment. I would like to have the answer to the last question read, please.

(Record read.)

A I heard of this two times; first time at Takao, Formosa, when we were leaving there, and the second time at Bauang when we landed there.

Q (By Lieutenant Pelz) Did General Homma tell you this policy in person?

A Yes.

Q Who issued the order for the execution of the Chinese Consul General?

A I think it was Major General Hayashi, the Chief of the Military Administration Section, and General Hayashi ordered Lieutenant Colonel Kodama.

Q How long have you been a member of the Kempei Tai?

A About 15 years.

Q Where did you receive your training?

A In Tokyo.

LIEUTENANT PELZ: I have no further questions.

CROSS EXAMINATION

Q (By Colonel Meek) Who was your superior officer in the Philippine Islands?

A General Homma.

Q Were you responsible to any other officer than General Homma?

A The Kempei Tai headquarters at Tokyo, and also Major General Hayashi in Manila.

Q Was Major General Hayashi under Homma?

A Yes.

Q He was his deputy chief of staff, was he not?

A Yes.

Q Did you follow the policies of General Homma in the treatment of Filipino civilians while you were in command of Fort Santiago?

A I think I did, I followed his policy.

Q And anything that happened at Fort Santiago under your command was the policy of General Homma?

LIEUTENANT PELZ: I object to that question, sir.

GENERAL DONOVAN: Any particular reason?

LIEUTENANT PELZ: I think it is an improper question, trying to trap the witness into saying something that he hasn't said.

COLONEL MEEK: I want to make absolutely sure he knows what he is saying. I am not trying to trap him at all.

GENERAL DONOVAN: The question may be answered.

A No.

GENERAL DONOVAN: Just a moment. Will you read that question and answer back.

(Question and answer read.)

Q (By Colonel Meek) Whose policy was it?

A I do not believe all the testimony that was given by the witnesses in the trial. I do not believe that there were any atrocities committed.

GENERAL DONOVAN: He didn't answer the question. I want you to answer the question.

INTERPRETER ONODERA: Shall I ask him again, sir?

A (Through Interpreter Onodera) It was not anybody's policy. If anything did happen inside Santiago prison it was done by subordinates without the knowledge of the superior officer.

Q (By Colonel Meek) Do you know whether the Chinese Consul General and Consul staff received a trial by court martial or military tribunal?

A I don't know.

Q Where did the order for the execution come from?

A It came from Major General Hayashi.

Q That was in the headquarters of General Homma?

A I understood that at the time General Homma was busy and engaged in the operations and he had delegated the authority -- as far as maintenance of peace and order was concerned in Manila he had delegated the authority to Major General Hayashi in Manila.

Q Now, you stated that you received operation orders for the Kempei Tai from General Homma. What were these

operation orders that you received from General Homma?

A For instance, to collect information, and to maintain peace and order in the area.

LIEUTENANT PELZ: Sir, I object. I believe the witness said provinces on that last question, not area.

A Area in the operation -- I mean operation area, the whole Philippines.

Q (By Colonel Meek) How often did you visit General Homma after -- strike that. How often did you visit General Homma in the Philippines prior to --

GENERAL DONOVAN: Before you ask that question, I would like to get something straight about Colonel Kodama. Was he on duty with the military police at the same time Ohta was?

LIEUTENANT PELZ: Yes, sir.

GENERAL DONOVAN: On this chart it shows both of them.

COLONEL MEEK: He was junior.

GENERAL DONOVAN: They were both there at the same time?

LIEUTENANT PELZ: As I understand it, Kodama the Manila area and Ohta the other.

GENERAL TRUDEAU: Kodama was a subordinate to Ohta?

LIEUTENANT PELZ: I think that is true, sir. I am not testifying.

GENERAL DONOVAN: This question of getting this chart straightened out, there is a period of time when a question came up about certain atrocities. Was Kodama the man who received the order?

LIEUTENANT PELZ: The Chinese Consul, yes, sir.

COLONEL MEEK: Let me ask a question.

Q (By Colonel Meek) Was Lieutenant Colonel Kodama under your control and command?

A Yes.

Q He received his instructions and orders from you?

A Yes.

COLONEL MEEK: Does that clear that up?

GENERAL DONOVAN: Yes.

Q (By Colonel Meek) How often did you visit General Homma after your arrival in the Philippines?

A I think I went about 10 times.

Q You visited him in his headquarters in San Fernando early in March or February of 1942?

A Yes.

Q What did you report to him at that time?

A I reported on the peace and order situation in Manila, and also on the Manila police situation.

Q Did you report to him at the time of the arrest of the Chinese Consul General and the consulate staff?

A One of the staff members of the army was in Manila at the time, and he should have reported the matter up to the commanding general.

Q Well, did you report it to him at any of your visits at San Fernando?

A No.

Q And after the fall of Bataan you visited Homma's headquarters at Balanga, is that correct?

A Yes.

Q What did you report to him at that time?

A I don't remember.

Q These visits that you made to Homma's headquarters in San Fernando were prior to the execution of the Chinese Consulate staff, were they not?

A I think so.

Q Did you ever report to General Homma that the Chinese Consulate staff had been executed?

A No.

Q Did you report to his deputy chief of staff?

A There was no necessity of reporting to the deputy chief of staff because the execution was done by order of the deputy chief of staff, Major General Hayashi.

Q Do you know what the charges were against the Chinese Consulate General and Consulate staff?

A Yes, I know.

Q What were they?

A The charges were that they helped collect and send money to Chiang Kai-shek government, and also that they backed the guerrillas.

Q When were these guerrilla activities that they were financing?

A Before and after the entrance of the Japanese Army into Manila.

Q What was the date that you watched -- strike that. What was the date that you observed the march of the prisoners of war for General Homma?

A I don't remember the date.

Q Would you say it was prior to 17 April 1942?

A I don't remember.

COLONEL MEEK: No further cross examination.

GENERAL DONOVAN: Lieutenant Pelz?

LIEUTENANT PELZ: No redirect examination.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Were the members of the Chinese Consulate actually tried by military tribunal or military commission?

A I understood it that way.

Q Ask him if he knows?

A I don't know.

Q What kind of order did he get from General Hayashi in connection with the execution of the Chinese?

A My subordinate, Lieutenant Colonel Kodama, received the order from General Hayashi stating to try them in military tribunal and to execute them as a result of a military tribunal.

Q Who was the supreme commander in the Philippine Islands while you were here?

A General Homma.

Q Who was General Hayashi?

A He was a direct chief of the Military Administration Section, and also a deputy chief of staff.

Q Deputy chief of staff for whom?

A For General Homma.

Q Was it possible for subordinates of the military police to commit atrocities at Fort Santiago and for you not to know it?

A I have never heard of the atrocities. In fact, when

I returned to Japan in December I received a letter signed by Vargas, Laurel, Aquino and others of the administration section of the Philippine government in which they thanked me for the maintenance of peace and order in Manila, and they commented that despite the absolute powers that we had we had not used them, but had been generous and lenient in the maintaining of peace and order.

GENERAL DONOVAN: I want to find out what year that was referring to.

A The end of September, 1942.

Q (By General Donovan) End of September 1942. Now, from whom did he receive these letters?

A It was -- one of the letters was signed -- co-signed together by Vargas, Laurel, Aquino and other members of the Philippine government. There was another letter signed jointly by the Mayor of Manila, Guinto, and Chief of Police of Manila, Torres. In fact, this organization was shown at my trial to the Prosecution and Defense.

Q So no atrocities occurred at Fort Santiago while you were in command?

A I would not say that there were no atrocities, absolutely no atrocities, committed, but I had under my command in the northern part, Vigan, Legaspi, Cebu, Iloilo, Davao, and other places, and I made several inspection tours through these places. Consequently, Manila was under the command of Major Nishimura, to whom I delegated the authority. There may have been things that I did not know about.

Q Were you present at the questioning of any of the civilians, Filipinos or others, either at the Jai Alai or at Fort Santiago, at the investigations, questioning, or anything at all?

A No, I have never been there.

Q Never?

A No.

Q When General Wachi was out of the City for any length of time who acted as the chief of staff for the 14th Army?

A I don't know.

GENERAL DONOVAN: That is all I have.

Q (By General Valdes) You stated that you were never present during the investigation of civilians. Did you see civilians after they left the room, where they were investigated?

A No, I have never seen them.

Q Where was your office in Fort Santiago?

A It was right at the entrance near the gate.

Q Where were the rooms where the investigations were conducted?

A It was conducted in the Military Police Section within the section, 200 meters away.

LIEUTENANT ONODERA: May I clarify that word "Section"? The section is the smaller unit. There were units, and under that were sections, something like a platoon.

Q (By General Valdes). In a separate building?

A (Through Interpreter Onodera) Yes.

Q Consequently, from his room he could not hear the yelling of the civilians if they were subjected to any ill treatment?

A No.

Q Can you tell the Commission, in the Japanese Army, what does a military tribunal consist of? What is it composed of?

A The prosecution officer charges the accused with the crime or crimes, and the judge hands down the decision.

Q Is the accused present in front of the judges?

A Yes.

GENERAL VALDES: That is all.

Q (By General Donovan) Always?

A Yes, always.

Q (By General Trudeau) Did you have actual Military Police experience in the combat areas such as China or Manchuria?

A Yes.

Q At that time did you work under the direct supervision or come under the observation of General Homma?

A Yes; at Tientsin for quite awhile.

Q When was that?

A It was around 1939.

Q For how long?

A About six months.

Q When did you again serve under General Homma?

A At the Philippines.

Q Not in Formosa?

A No.

Q Having confidence in you and having requested you, did he permit you to prepare the plan for the evacuation of prisoners of war?

LIEUTENANT PELZ: If it please the Commission, there has been no evidence that General Homma ever gave him --

GENERAL TRUDEAU: All right, I will alter the question.

Q (By General Trudeau) Did you prepare the plan for the evacuation of prisoners in the event of capitulation in the Philippines?

A (Through Interpreter Onodera) The Military Police had no connection with this matter of prisoners of war.

Q Did you have conversations with Colonel Tsuji of the Imperial General Staff when he came down, in connection with the lenient treatment of prisoners and civilians?

A I never met him.

Q Was the execution of Chief Justice Santos ever reported to you as one of the atrocities we have discussed?

A I do not know Santos. Where was this?

Q In Mindanao. Do you have any knowledge of that?

A The M.P.'s had nothing to do with this.

GENERAL TRUDEAU: No further questions.

Q (By General McNaught) Was General Hayashi ever a member of the Kempei Tai?

A No.

Q Where is General Hayashi now?

A I don't know.

Q What is your present status?

A I am in the P.W. camp at Calamba where General Yamashita is right now.

Q Do you know whether you are being held as a war criminal?

A Yes, I know.

Q Do you know when you are going to be tried?

A The trial -- I have been tried already.

GENERAL McNAUGHT: Nothing further.

GENERAL DONOVAN: Anything further?

LIEUTENANT PELZ: Nothing, sir.

COLONEL MEEK: I have one question I would like to ask.

FURTHER CROSS EXAMINATION

Q (By Colonel Meek) Did you serve with General Homma when he was in charge of the Hangkow campaign?

LIEUTENANT PELZ: I will object to anything beyond the scope of the charges in this case.

GENERAL DONOVAN: The witness has already testified that he served with General Homma; the objection is sustained.

COLONEL MEEK: Nothing further, sir.

GENERAL DONOVAN: Anything further from anyone?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

KISHIO KITAJIMA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Lieutenant Onodera, Lieutenant Nimura, and Staff Sergeant Ogita:

DIRECT EXAMINATION

Q (By Captain Coder) Will you state your name?

A Kishio Kitajima, lieutenant general.

Q Were you ever a member of the Imperial Japanese Forces?

A Yes.

Q During what period of time?

A From 1908 until last year, when the war ended.

Q Did you ever serve under General Homma?

A Yes.

Q On what date?

A From the 20th of March, 1942, until the 18th of June the same year.

Q What military position did you occupy under General Homma's command?

A The Commander of the Army Artillery.

Q Of what units was the Army Artillery composed?

GENERAL DONOVAN: Before he answers that we will have a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN CODER: Will you read that last question?

GENERAL DONOVAN: Read the last question, please.

(Question read.)

A (Through Interpreter Onodera) The First Artillery Headquarters; First Heavy Field Artillery Regiment; Eighth Independent Heavy Field Artillery Regiment; First Heavy Artillery Regiment; Independent Heavy Artillery Battalion; Second Independent Heavy Artillery Battery; Fifth Independent Artillery Intelligence Regiment; Independent Balloon Company; First Battery of the 47th Anti-Aircraft Artillery Battalion; Third Towing Vehicle Company -- the above were the components of the Army Artillery. However, in the operations, the Division Artillery sometimes came under my command.

Q Was the division artillery under your command during the Bataan and Corregidor campaign?

A Yes.

Q Was there any other artillery in use in the bombardment of Corregidor except that which you commanded?

A Yes.

Q Did this artillery operate with divisions?

A Yes.

Q Where did you have your headquarters in Bataan?

A On Bataan from the 24th of March to the 28th of March, the headquarters was at Orani. From 29th to April 7th it was in the souther foothills of the Nachibu Mountain. There is no geographical name for this particular spot. On the 8th of April it was near the Samat Mountain, near Orion -- in Orion. On the 9th it was north of Limay on the south shore of Cabcaben. This was all in Bataan.

GENERAL DONOVAN: Where is that last, "north of Limay on the south shore of Cabcaben"? I don't understand that.

INTERPRETER ONODERA: Well, he said, "Go up north and it is on the south shore of Cabcaben."

GENERAL DONOVAN: Does it make any particular difference? Because Limay is a long way from Cabcaben, north of Limay -- on the south shore of Cabcaben.

CAPTAIN CODER: As a matter of fact, sir, he got a little ahead of me. I only wanted to get it on the Bataan campaign, and then he answered the question. If you feel it is important, I can point it out on the map when it is

introduced.

Q (By Captain Codor) When did the second offensive of Bataan begin?

A (Through Interpreter Onodera) The attack began on the 3rd of April.

Q And when did it end?

A 9th of April.

Q When did you first learn of the surrender of the American forces on Bataan?

A Noon of the 9th of April. All the hours that were measured from now on was the Japanese hour, Japan hour.

GENERAL DONOVAN: That is all right.

Q (By Captain Coder) Do you know whether all the American troops surrendered at one time, or did they surrender a few at a time?

A I heard that Major General King surrendered his troops, and I estimated that all his troops surrendered at the same time.

Q From whom did you get that information?

A From Staff Officer Nakayama, who was dispatched from the army headquarters.

Q Do you recall on what date you fired at the last target in the Bataan campaign?

A I don't remember.

Q Where did you go after the fall of Bataan?

A After the fall of Bataan, I came out to the south shore of Cabcaben and took command of my subordinates.

Q When did you put artillery in position for the attack on Corregidor?

A The Eighth Heavy Field Artillery Regiment had already occupied the position by the 9th of April and had been firing already. The other units successively occupied positions between the period from the 10th to the 15th.

Q I want you to look at the map on the board and tell me what it is?

A This map is the same map we used during the operation.

Q Is it the same map which you used during the operation?

A Yes.

CAPTAIN CODER: If the Commission please, at this time we would like to introduce into evidence as Defense Exhibit C, the map which is on the board there. I have photostatic copies of this -- I don't believe the Commission would want that; it is too large. I would like to offer that map in evidence, and then substitute the photostatic copy, so it may be used.

GENERAL DONOVAN: It is accepted.

(The map referred to was received in evidence and marked Defense Exhibit C.)

Q (By Captain Coder) Will you point out on the map where your artillery positions were located?

A (Indicating on map) Artillery headquarters south of Cabcaben on the 9th and 10th.

8th Heavy Field Artillery Regiment, from the 9th of April until the fall of Corregidor, on that spot.

First Heavy Field Artillery Regiment, from the 13th of April until the end of the battle, operation -- from 14 April to the last.

9th Independent Heavy Artillery Battalion, from the 15th of April until the last.

2nd Independent Heavy Field Battery, Heavy Field Artillery Battery, from the 10th until the fall of Corregidor.

5th Artillery Intelligence Regiment. They started occupying positions from the 9th, and gradually occupied their positions.

Independent Balloon Company, from the 10th of April. However, it has moved around in that vicinity; it has moved around considerably in that small vicinity. The Anti-Aircraft units were moved with the Balloon Company.

The Third Towing Vehicle Company was attached to the First Artillery Regiment.

COLONEL MEEK: That one "22-A", what is that? This one here (indicating); he hasn't said anything about that one.

THE WITNESS: (Through Interpreter Onodera) This is the 22nd Field Artillery Regiment, main strength of the 22nd Field Artillery Regiment, from the 16th of April until the fall of Corregidor.

That (indicating) is the artillery of the 4th Division.

The 4th Field Artillery Regiment.

2nd Independent Howitzer Battalion, from the 20th of April until the fall of Corregidor.

That is all.

Q (By Captain Coder) Is this all the artillery that was used in the bombardment of Corregidor?

A (Through Interpreter Onodera) No, the ones I pointed out are the artillery units under my command. Besides those I pointed out there were artillery units attached to the front line, the division artillery units.

Q Will you point out on the map where Hospital No. 2 is located? Place this little tag in the spot.

A That is the approximate position (indicating).

Q How far is the nearest gun position from Hospital No. 2?

A The battery which was on the extreme north -- the battery of the First Heavy Field Artillery Regiment, which was on the northern end of the position, was 1000 meters away from the hospital.

GENERAL DONOVAN: Are these grid squares 1000 meters?

Q (By Captain Coder) Are the grid squares on there 1000 meters?

GENERAL TRUDEAU: I don't think so; it is an American map. 1000 yards.

THE WITNESS: (Through Interpreter Ogita) 1000 meters.

(Through Interpreter Onodera) Yes, it is 1000 meters grid scale.

Q (By Captain Coder) Was there any other artillery any closer than 1000 meters to the hospital?

A No.

Q Will you explain what the artillery situation was when you arrived near Cabcaben to prepare for the attack on Corregidor, around April 9th?

A The 8th Heavy Field Artillery Regiment, which was at the head of the army artillery, occupied the position that I pointed out a while ago, and were firing on the boats

massed in the north bay. The American boats, while carrying on a counter attack, attempted to escape to the south; and the shells fired by the American troops, while in flight, landed on the road west of Cabcaben and killed and wounded Japanese and Filipino civilians.

I heard this. Upon learning of this, I issued an order to the 8th Heavy Field Artillery Regiment to fire only upon the enemy anti-aircraft artillery positions, which were firing upon our bombers, and not to fire on other targets. As a result of this, the American artillery did not fire towards Cabcaben on the 10th, 11th or the 12th. Therefore, the people, Filipino civilians in Cabcaben -- and the prisoners -- should have been able to flee to the north without being hurt.

That is all.

Q When did Corregidor open fire on your gun positions?

A In the Mariveles area, the firing started on the 12th of April; in Cabcaben area on the 13th of April.

Q Did they open fire on you before they opened fire on them?

A Yes, American artillery fired first.

Q Now, in relation to Hospital No. 2, did you have occasion to pass by the hospital and observe it from time to time?

A I passed by there twice and I looked in.

Q Did you ever see any guns in position nearer to the hospital than 1000 meters?

A No.

Q Did you ever inspect any of your gun positions as

indicated on the map?

A I personally inspected the position of the 8th Heavy Field Artillery Regiment. The other positions I had my subordinates, the staff members, inspect them.

Q Now, there has been testimony in this case that shells from Corregidor fell on the hospital. Do you have any explanation of that?

A Yes, I can.

Q Will you give us that explanation, please?

A There is the main road starting from Cabcaben to Mariveles (indicating). That is a motor road. There is a road which goes to the mountains starting from Lanao down to the point here (indicating). On that cross road, intersection of these two roads, the American artillery frequently fired upon that spot, and the fragments of the shells often caused injury and death to the members of the army artillery headquarters, which was located there, and therefore we were forced to move the army artillery headquarters to the rear.

I judge that it is possible that the fragments of a shell would land in the hospital. In some of the extreme cases, the fragments which landed at this point (indicating) would even cause injury to the members of the army artillery headquarters, which is over this way (indicating). These were all fragments and not the whole shell. There was only one case where the whole shell fell in this place.

Q Now, did you ever recommend that the Hospital No. 2 be removed?

A Yes.

Q Why did you make such recommendations?

A On the 9th of April I ordered the reconnaissance of the artillery positions, and there for the first time learned that the hospital was situated there. Originally I wanted to use the hospital site for the artillery position. I wanted to use it for the artillery positions. However, the hospital was there. I was forced to move the howitzer. However, the existence of the military hospital in that particular spot was detrimental to the military security and in preventing information leaking out I requested the Army Headquarters to remove that hospital from that spot.

Q Do you know if the Army Headquarters took any action on your recommendation?

A I heard that from the 15th on. The patients were being released from the hospital. At the time I thought my recommendation or request was granted. However, I learned that the patients were being let out because of the shortage of food, and the letting out of the patients was not entirely separate from my original request.

Q How long did the attack on Corregidor continue?

A The artillery duel began on the 13th of April and we carried this on to the 16th, 19th, 24th, and 29th. On the 16th and 19th the artillery used was that of the Army Artillery only. On the 24th and 29th we used all the artillery, including division artillery, and we conducted the artillery south in a manner to destroy the opposition.

On the 2nd of May, this time in accordance with the Army order, we fired the preparatory barrage, and also a barrage to aid the landing.

Q On what date was this?

A From the 2nd of May to the 3rd of May -- no, from the 2nd of May to the 6th of May.

Q When was it reported to you that a flag of truce was flying over Corregidor?

A At noon of the 6th.

Q Did you see this flag yourself?

A Yes, I clearly saw it.

Q What did you do when you saw the white flag?

A I immediately ordered all my subordinate units to cease firing and reported to the Army commanding general.

Q Did any units under your command fire at that time?

A No.

Q Did you receive any orders from headquarters telling you to cease firing?

A Soon after the artillery headquarters reported the matter to the army headquarters the telephone came which ordered the artillery to cease firing.

Q Did you again resume firing on the night of May 6th?

A Yes.

Q Was that in compliance with orders from higher headquarters?

A On the evening of the 6th of May the order to resume attack came from Army Headquarters. The plan had already been made to land the main strength of the 4th Division on the head side of Corregidor, and the plan for the artillery

to assist that landing.

Q What time did you fire on Corregidor on the evening of the 6th of May?

A 11:00 p. m.

Q Now, did you fire at all between the hours of twelve o'clock noon and the hour of eleven o'clock at night on the 6th of May?

A Absolutely not.

Q Was there any other firing done against Corregidor after that -- after eleven o'clock on the night of the 6th of May?

Change that question.

Did you fire at Corregidor on the 7th of May?

A On the 7th of May there were many shells, many of the artillery pieces were loaded, and in order to clear the barrel we fired about 15 shots, 15 rounds. However, we dropped all these shells in the ocean north and south of Corregidor.

Q Did you observe this firing yourself?

A Yes, I did.

Q After the fall of Corregidor where did you go?

A I went to Manila.

Q How long did you stay in Manila?

A I was there until the 18th of June.

Q And then where did you go?

A I was transferred to Manchuria.

CAPTAIN CODER: You may examine.

CROSS EXAMINATION

Q (By Colonel Meek) Now, you started to move your guns

into position for the attack on Corregidor on 9 April 1942?

A Yes.

Q And from then on to the 15th of April you put all your guns into position, is that right?

A All the artillery units under my command were placed into position by the 15th; the Division Artillery was delayed.

Q Do you know where the Division Artillery was placed?

GENERAL DONOVAN: In general.

COLONEL MEEK: In general.

GENERAL DONOVAN: We don't want each battery.

COLONEL MEEK: Tell him we want generally to know where the Division Artillery is placed.

GENERAL GARD: Tell him to get on the other side of it.

A (Through Interpreter Onodera) The 16th Division Artillery -- that is the one that says "22-A," and the Fourth Division Artillery on the right side (indicating).

COLONEL MEEK: Ask him what these hieroglyphics are up there.

THE WITNESS (through Interpreter Onodera): That is Army Artillery Headquarters.

Q (By Colonel Meek) What is this, right here (indicating)?

A Army Artillery Headquarters.

Q Any guns there?

A No, there were none.

Q Were there guns in this position, here (indicating)?

A At first that was planned as the artillery position, and we had moved the artillery in there (indicating), but because it was so near to the hospital we moved it down where the arrow points. There were no shots fired from there.

Q Did they go into position there and occupy that?

A Yes, we went in there on the 11th of April, and we didn't fire any shots, and moved down over on the 13th of April.

Q Did you have guns in this area here (indicating)?

A The artillery moved over to this side (indicating).

Q How long did they have guns in this area, in position here? What dates?

CAPTAIN CODER: If it please the Commission, he has already testified to that. It is in the record. He already testified on dates.

COLONEL MEEK: I might be mistaken, but I would like to have him answer that.

GENERAL DONOVAN: Go ahead and answer the question.

A Two days, the 10th and 11th; for a period of two days.

Q (By Colonel Meek) Never fired those two days?

A No.

COLONEL MEEK: Tell him to sit down.

Q (By Colonel Meek) Did you, or any of your artillery commanders, ever establish headquarters in or near the Hospital No. 2?

A No.

Q Did they ever unload any ammunition in the vicinity of Hospital No. 2?

A No.

Q What date did you pass Hospital No. 2?

A 18th of April.

Q Did you stop at the hospital?

A I just went on that road, slowly, by the hospital.

Q Did you observe, on the 18th of April, whether the

hospital had been hit by shells?

A No, I did not. I never heard that the shells landed in the hospital, although I was near there.

Q You didn't observe for that as you went by?

A No, I did not. Fragments may have fallen there.

Q Do you know whether the American doctors in charge of that hospital ever requested that the patients be moved?

A No, I don't know.

Q To whom did you make your recommendations that the patients be moved?

A I had one of my staff officers request this to the members, staff members of the Army Headquarters. I don't know what the name of the officer in the Army Headquarters who received this report is.

GENERAL DONOVAN: Did you get that answer?

COLONEL MEEK: Yes, sir.

GENERAL DONOVAN: I would like to ask one or two questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) What is your status now?

A I am unemployed.

LIEUTENANT ONODERA: The word "status" is very difficult to translate into Japanese.

GENERAL DONOVAN: Ask him what he is doing; whether he is a prisoner of war, working for the War Office, or what.

THE WITNESS (through Interpreter Onodera): No, I am not doing anything. I am unemployed.

GENERAL DONOVAN: Ask him in round numbers how many field artillery pieces did they have in the early part of

May -- in round numbers, the total number; that is, Army, Corps, Division, and all other elements.

THE WITNESS (through Interpreter Onodera): About 120 pieces.

GENERAL DONOVAN: Anything further, Colonel Meek?

COLONEL MEEK: I have some more.

GENERAL DONOVAN: The Commission will convene at 8:30 tomorrow morning.

(Whereupon, at 1630 hours, 30 January 1946, the trial was adjourned until 0830 hours, 31 January 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXII

PAGES 2650 TO 2715

MANILA, P. I.

DATE 31 January 1946

COPY No. 9

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

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Major General, GSC, USA
President of Commission

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
31 January 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Kishio Kitajima (resumed)		2651-2664		
(By the Commission)	2657			
Moriya Wada	2665			

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

KISHIO KITAJIMA

a witness on behalf of the Defense, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters Major Pratt, Lieutenant Onodera, and Staff Sergeant Ogita:

COLONEL MEEK: Will you advise the witness that he is still under oath?

(Whereupon the witness was advised that he was still under oath.)

CROSS EXAMINATION (resumed)

Q (By Colonel Meek) What was the total number of guns that you had in action in the attack on Corregidor?

A (Through Interpreter Ogita) I think the accurate number was 116.

Q Will you step to the map and indicate the sizes of the guns in each of these positions?

GENERAL GARD: Colonel Meek, have him indicate the sizes and number.

COLONEL MEEK: All right.

Q (By Colonel Meek) Indicate the size and number in each position.

A (Through Interpreter Onodera) Twelve pieces of 100 millimeter --

GENERAL DONOVAN: Get in the proper position at the map there and start over again.

A (Continuing, through Interpreter Onodera) 100 millimeter cannons, 12 pieces at that place (indicating); 2 150 millimeter cannons, and two 240-millimeter cannons -- two pieces; 24 150-millimeter howitzers over here (indicating); 24 pieces of 150-millimeter howitzers in this place, instead of this (indicating); and at this place, eight 240-millimeter howitzers (indicating); eight 150-millimeter cannons (indicating); 75-millimeter guns here (indicating, 24 pieces; 100-millimeter howitzers, 12 pieces (indicating); 24 75-millimeter cannons (indicating); 12 100-millimeter howitzers (indicating); eight 75-millimeter mounted guns (indicating); 12 150-millimeter howitzers (indicating).

Across the Manila Bay, in the vicinity of Ternate, four 100-millimeter cannons.

Of the number that I have mentioned, there are some that eventually became useless because they were destroyed by enemy fire.

Q (By Colonel Meek) Do any of the guns in the positions -- strike that.

Are those all the guns that were firing on Corregidor at that time, including division artillery?

A Yes.

Q The position here, indicating, where did the guns from that position move to?

A It moved down to where the arrow points.

COLONEL MEEK: That is all I have on this. Does any member of the Commission care to ask him anything while he

is at the map?

(No response.)

Q (By Colonel Meek) Now, the total number of pieces, as we have computed it, according to your testimony now, is 152. How do you account for the difference?

A (Through Interpreter Ogita) The battery of small caliber guns, there are supposed to be four guns. In a battery with large caliber guns there are supposed to be two. Actually, they were to be used, but due to circumstances such as destruction of the guns and the illness of personnel manning the guns, they were not all used. According to the T/O 152 is normal, but due to destruction and lack of men they are not all used.

Q Now, on the night of 6 May, you received orders to resume fire?

A Yes, I received them.

Q When was the fire on Corregidor to begin on the night of May 6?

A I remember it as being 11:15.

Q From whom did you receive the orders to commence fire at 11:15 p. m.?

A The plan was made from the very beginning.

Q I am not talking about the plan. Did you receive an order on the evening of 6 May to resume fire on Corregidor?

A On the evening of the 6th I received the orders from the headquarters of the Army to resume firing.

Q Now, what time on the evening of the 6th did you actually receive that order?

A I don't remember the exact time.

Q Can you give us an estimate?

A I think it was around six o'clock.

Q How long did the firing continue on the night of 6 May?

A Fifteen minutes; the actual plans called for a much longer period of firing, but we thought the enemy had no will to resist, so the firing was actually carried out only for a time until the landing.

Q How many rounds did you fire?

A I don't remember the number.

Q Calling your attention to the map, was any of your concentration in this area, here (indicating)?

A The place that we shelled was just the coast where I indicated, where I am indicating now (indicating).

Q Indicating a point between Battery Point and towards Malinta Point?

A Yes.

Q Did you observe the artillery fire that night?

A I saw the firing, yes.

Q Were you ordered to cease firing on the night of 6 May?

A I did not receive any orders, but the plan was made so that after 15 minutes of the barrage, there would be no more firing.

Q Did you have artillery communication with anyone on Corregidor Island?

A Yes.

Q What kind of communication?

A I dispatched five sets of officer patrols on Corregidor Island under my senior staff officer, and they constituted

the advance observation post. They sent back messages by wireless.

Q On the night of 6 May were there any Japanese artillery pieces actually on Corregidor?

A My subordinates did not dispatch any at all.

Q Do you know whether there were any?

A The divisional artillery of the front line unit should have had some on the island.

Q Now, when you ceased fire on the night of 6 May, you left some charges in your pieces, is that right?

A Yes, there were some that were left in the guns.

Q And on the morning of 7 May, to clean your pieces you fired those shots, is that right?

A Yes.

Q Did you blow up any guns in the process?

INTERPRETER OGITA: You mean his own guns?

COLONEL MEEK: Yes.

GENERAL DONOVAN: Colonel Meek, let's leave that line of questioning, will you, please?

COLONEL MEEK: Withdraw the question.

Q (By Colonel Meek) Did you control the guns across the Bay at Ternate?

GENERAL DONOVAN: Where is that? Get us oriented.

COLONEL MEEK: That is the place where he pointed out on the map.

GENERAL DONOVAN: All right.

Q (By Colonel Meek) Did they fire on Corregidor or some of the other islands?

A (Through Interpreter Ogita) Those guns were there for

the purpose of shelling Caballo Island and El Fraile Island.

Q What was the last artillery fire that you received from Corregidor?

A It continued until the morning of the 6th of May, but I don't remember exactly the time of day.

Q Did you receive any artillery fire from Corregidor after the white flag was raised?

A No.

Q You visited Corregidor with General Wachi?

A No, I did not go with General Wachi.

Q I am talking now about two or three days after the fall of Corregidor.

A On the 8th of May I went to Corregidor accompanying an Imperial prince, who was my subordinate.

COLONEL MEEK: The prince was his subordinate?

GENERAL DONOVAN: The prince was his subordinate?

THE WITNESS (through Interpreter Ogita): Yes.

Q (By Colonel Meek) Was Wachi in that party?

A I don't remember clearly.

Q Did you make any inspection at Corregidor?

A I looked over the place roughly.

Q Did you observe where the prisoners of war were being kept?

A I saw many prisoners.

Q Did you observe any captured American supplies?

A Yes.

Q Did that consist of rations, provisions, food?

A It seems as if there was some food in the Malinta Tunnel.

Q Did you observe as to about how much there was?

A I don't know the number, but they were heaped into piles.

COLONEL MEEK: No further cross examination.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) What was the strength of the army artillery command at this time?

A Under my command at that time I remember it as being around 4000.

Q In other words, it was more than is shown on the chart submitted on Exhibit B by a considerable amount. It shows 2000. Show him your chart, will you?

GENERAL DONOVAN: We are going to have to refer to that chart from now on. I think you might just as well keep it out in the open.

INTERPRETER OGITA: Will you read that question back?

(Question read.)

(Interpreter Onodera explained the chart to the witness.)

THE WITNESS: (Through Interpreter Ogita) I remember it as being about 4000.

Q (By General Trudeau) All right. In the artillery preparations on several days during April and early May,

how many rounds were you firing from your medium caliber weapons?

A On the second day?

Q On the concentration on the 16th, 19th, 24th and 29th, how many rounds per gun were you averaging on your medium caliber weapons?

A For each 100 millimeter cannon 60 rounds; for each 150 millimeter howitzer 40 rounds; for each 150 cannon 30 rounds.

Q How much tonnage of ammunition did this involve to be hauled forward each day? How many tons of ammunition did you have to haul forward each day?

A I don't know the tonnage.

Q How many trucks did you use to haul ammunition?

A Each unit used their own trucks and they varied very much, very greatly, so I don't remember the number.

Q Was there any attempt to use these trucks when they were sending empty trucks to San Fernando for ammunition to evacuate prisoners of war and the hospital?

CAPTAIN CODER: If it please the Commission, I think you will establish ammunition was hauled from San Fernando.

Q (By General Trudeau) All right. From where was ammunition hauled by truck?

A The ammunition dump was at a place called Dinalupihan. We received ammunition from the army at that point and transported it forward.

Q Was any attempt made to use your trucks to evacuate prisoners of war and patients in the hospital to Dinalupihan?

A No, they were not used.

GENERAL TRUDEAU: That is all.

Q (By General Donovan) Point out that January block under the 48th Division, January 9th. It is at the end of that first red block (indicating). Do you have writing on that chart there?

A (Through Interpreter Ogita) Assembled at Manila, and the arrow points to the 16th Army.

Q My question is where was the 16th Army.

A I heard that the 16th Army was to the south, but I don't know where the army headquarters was.

CAPTAIN CODER: May I point out this witness testified that he only came here March 20th.

GENERAL DONOVAN: That is all right. That doesn't make any difference. I thought maybe he might know.

Q (By General Valdes) Where were you when Bataan surrendered?

A I was at the coast about 1000 meters north of Limay.

Q Did you see the American and Filipino prisoners of war marching from Mariveles toward Balanga and further north?

A No.

Q You did not have an opportunity to travel on the road after the fall of Bataan?

A On the 9th of April I went from Limay to Cabcaben. At that time near the main road around the vicinity of the main road west of Cabcaben I saw groups of prisoners in 15's and in 30's or 40's resting. They were not marching.

Q What was their condition?

A They were sitting by the side of the road and they were talking to each other and smoking.

Q You did not see any dead on the road?

A No, they were still in rather good condition.

Q When the American artillery from Corregidor returned fire on the vicinity of hospital No. 2, do you know whether anybody was wounded or killed in the hospital?

A I did not hear anything about that.

Q (By General Trudeau) When did General Homma first visit your command post at Limay or your command post or forward positions at Cabcaben after the surrender?

A General Homma never came.

Q (By General McNaught) Are you an artillery man?

A Yes.

Q How long have you been an artillery man?

A Since I became second lieutenant, and for 37 years I have been an artillery man.

Q What artillery schools have you attended?

A I went to all of them.

Q Japanese only?

A Only Japanese.

Q Was this the operations map for the 14th Army, artillery section map to which you have been referring?

A This map actually shows the progress of the operation.

Q Is it the one that was actually used during the operation?

A During the operation we made notations on it in pencil and later at Manila we put it in in ink as it is

shown right now.

Q He says "we put it in in ink." Did he actually do any of the work himself?

A My subordinates did it.

Q From what source did they obtain the data which shows the positions of the artillery units in the vicinity of Cabcaben and on down the peninsula? From what source did they obtain the information for the artillery positions?

A My subordinates submitted a report on the positions they occupied and they submitted it to me, and that is where I compiled this map.

Q What basis did the subordinates determine those positions on? Is it from survey on the ground or by inspection on the map?

GENERAL DONOVAN: Do you want to break that question down? Anything bothering you about it? We can change the question.

INTERPRETER OGITA: It is all right.

Q (By General McNaught) Were the positions determined on the map by survey or inspection?

A (Through Interpreter Ogita) Actually it was surveyed by aerial photographs.

Q When were the aerial photographs taken in reference to the time it was made?

A Each unit made an aerial photograph of positions as soon as it was occupied, so each unit had the pictures taken on different days. It took about four or five days, and I don't remember exactly when.

Q What is the date of the actual map? I do not

mean his entries but the printed map. When was that?

INTERPRETER OGITA: Not his entries?

Q (By General McNaught) Does he know the date of that map?

GENERAL DONOVAN: See if there is a date on that map over there, will you?

COLONEL MEEK: There isn't any date, sir. It is torn off.

A (Through Interpreter Ogita) Since this is an American map, I don't know, but it must be on there somewhere. Anyway, it is a pretty old map, so the road leading to Mariveles is not marked.

Q (By General McNaught) Is there anything extremely recognizable -- is there anything recognizable on that map excepting the coast line which you can pick up on an airplane photograph?

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Will you read that last question back, please?

(Question read.)

CAPTAIN CODER: Does the Commission want one of those photographs to follow?

GENERAL DONOVAN: We do not need it now.

THE WITNESS (through Interpreter Ogita): When the aerial photos were made, white panels were laid crosswise on the base piece of the particular position, and also prominent terrain features were used as base points for the photo. Surveys were made in this manner.

Q (By General Gard) Did the anti-aircraft artillery fire on Corregidor?

A You mean the anti-aircraft of the American Army?

Q The anti-aircraft of the Japanese Army.

A No, it was not used against Corregidor.

Q Did any of the Japanese observers at the artillery observation posts report that there was aerial bombardment of Corregidor on the afternoon of 6 May?

A (Through Interpreter Onodera) I was always at the observation posts, so I know the situation. I saw Japanese planes bomb on the afternoon of May 6th.

GENERAL DONOVAN: Anything further?

CAPTAIN CODER: Nothing further.

COLONEL MEEK: I have just one question.

FURTHER CROSS EXAMINATION

Q (By Colonel Meek) Has there been anything added to this map since it was prepared in Manila?

A The position of the hospital, and also the road, was recorded after it was finished in Manila, to be used for this trial.

Q Did you make those changes yourself?

A Yes.

Q How did you determine where the road should be on that map?

A I have another map of the scale of one to twenty thousand, which accurately records the road. I copied it, that map.

Q Did that map also show the exact location of the hospital?

A No, the position of the hospital is not shown on that map; just the road.

Q Then where you have placed "Hospital No. 2" on here is purely an estimate of yours?

A Yes; that is the approximate position.

COLONEL MEEK: No further questions.

GENERAL GARD: From what field did the Japanese planes take off that took these aerial photographs?

THE WITNESS (through Interpreter Onodera): As far as I can remember it took off from the Manila Airfield.

GENERAL DONOVAN: What is the Manila Airfield?

THE WITNESS (through Interpreter Onodera): I mean Nichols Airfield.

GENERAL DONOVAN: Anything further?

CAPTAIN CODER: Nothing further, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: There will be a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

MORIYA WADA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera, and Staff Sergeant Ogita:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, please?

A Moriya Wada.

Q What is your home address?

A First Demobilization Ministry, Tokyo.

Q Were you ever assigned to the 14th Army?

A Yes.

Q When were you assigned?

A From the 10th of November, 1941, to 31st of July, 1942.

Q Where was the 14th Army in November of 1941?

A Formosa.

Q What was your rank at the time that you reported for duty to the 14th Army?

A Major.

Q What was your assignment with the 14th Army?

A From the time I arrived at the 14th Army until the end of February, 1942, I was engaged in the work of military administration, and from the end of February until the end of July I was in the line of communications work.

Q What function does the line of communications perform in the Japanese Army?

A Matters pertaining to supplying of munitions and other materiel, and also matters concerning prisoners of war.

Q Does that include supply of medicines, food, and other supplies?

A Yes.

Q Is that a staff position?

A Yes.

Q What organization within the Japanese Army actually performed the execution of the plans formulated by the staff, with regard to supply and so forth?

A These duties are performed by line of communications forces, and also by each supply depot.

Q Who was in charge of the line of communications forces in the 14th Army?

A Major General Kawane.

Q What was your exact position in the staff in relation to supply?

A I was a staff member. Over me was a colonel named Takatsu; I was his subordinate.

Q Colonel Takatsu was head of the Second Section, Staff Department?

A Yes.

Q When you were in the military administration and prior to leaving Formosa did you prepare a plan for the government of the Philippines, military government of the Philippines?

A Yes.

Q Was that document called Hito Toji Yoko?

A Yes.

Q And Hito Toji Yoko translated means Military Government, does it?

GENERAL DONOVAN: If you have anything to be translated, take that up with Major Pratt.

CAPTAIN OTT: I want that translated.

A (Through Interpreter Onodera) Roughly, it means the general outline of the governing of the Philippine Islands.

Q (By Captain Ott) After you had prepared Hito Toji Yoko, what was done about it?

A Do you mean the contents of Hito Toji Yoko?

Q I want to know if it was approved.

A First, before this Hito Toji Yoko was drafted, the matter was taken up with the commanding general of the Army and the commanding general's policy was sounded out.

GENERAL DONOVAN: Do you expect to make several references to Hito Toji Yoko?

CAPTAIN OTT: Yes, we do.

GENERAL DONOVAN: Will you use the English, please?

CAPTAIN OTT: All right.

GENERAL DONOVAN: We want to have it clear so whoever is reading the record will understand it.

CAPTAIN OTT: Will you ask him to continue as to what was done there?

THE WITNESS (through Interpreter Onodera): After hearing the policy as advocated by the commanding general of the Army, then we drew up the document, and then we again submitted it for approval.

COLONEL MEEK: May I ask that they name this commanding general?

Q (By Captain Ott) Who was the commanding general of the 14th Army?

A Lieutenant General Homma.

Q What other members of his staff participated in the preparation of the Philippine Government document?

A Colonel Takatsu and myself.

Q Was it approved after it had been submitted?

A Yes.

Q Who approved it?

A General Homma.

Q Can you tell us what was in that document, referring to the government of the Philippines?

A I will just touch on the important points:

First, that there should be no radical and sudden changes in the present situation of the Philippines, the present condition prevailing in the Philippines.

Q What do you mean by that?

A I think that as I keep on explaining the answer to that will become clear.

COLONEL MEEK: May I inquire at this time, was that a written plan, and is a copy of it in existence?

CAPTAIN OTT: We have made a search at Tokyo for it and have not been able to find a copy anywhere.

GENERAL DONOVAN: All right, proceed.

THE WITNESS (through Interpreter Onodera): Second, the present Philippine political setup is to be used as much as possible without changing its organizational setup, and also the personnel, and to keep the interferences from the Japanese side to the barest minimum. In order to accomplish this, to keep the supervision by the Japanese at a minimum, in the using of personnel in the military administration, to use them regardless of their leanings, whether pro-American or pro-Japanese. In fact, to prefer using the pro-American elements in the government.

And, third, to respect the mode of living, customs and religion of the Filipinos. To develop all the industries and thus contribute to the total war effort of Japan. To immediately organize a Filipino police force in order to establish a quick, peaceful, and orderly situation in the Philippines. Through various methods to win the hearts of the people, the Filipino people.

In carrying out the military administration, as far as neutrals, and also even the enemy aliens are concerned, unless they commit hostile acts directly against the Japanese, these people should be utilized.

Q (By Captain Ott) What do you mean by "utilized," or "used."

A Either to hire him or put him in a position -- employ him. To appoint him as an official, and things like that. That is about all.

Q After this document had been approved by General Homma what was done with it?

A These were distributed to all of the divisions in the early part of December, and at the same time were given to the director or chief of the Military Administration Section.

Q Would that include staff officers in the staff of the 14th Army?

A Yes.

Q Would it also include commanding officers of the fighting forces?

A The division commanders were to disseminate this information down to their subordinate unit commanders. Further, anything that should be given out to the lowest of the soldiers, that is, down to privates, these were made up as instructions or original orders from the commanding general of the Army, and was given to -- and was issued to them before the war.

Q You prepared those instructions?

A The First Section drafted this order; then the Second Section added whatever was necessary.

Q What did these instructions contain?

A It includes all the things, necessary things, that I mentioned before in explaining the Philippine orders.

Q Did it include them all, or partially?

A I will now explain further. First, with respect to the mode of living, customs, and ways of living of the Filipino people.

Second, in associating with the good people, good natives. This includes even the neutrals and enemy aliens.

This includes prisoners of war. Associate with them with kind and broad feelings, and there should be no acts committed by the soldiers which would run contrary to the international laws. Looting, raping, and physical violence, are absolutely prohibited. Air units, artillery units, and other combat units, will not fire on cities and towns indiscriminately.

No. 6. The commodities and installations in the Philippines will not be destroyed, even in the case of necessity due to the combat situation. The destruction of commodities and installations will be kept at a minimum number. Military discipline will be strictly observed.

I think there were others, minor matters, but I don't remember them now.

Q After these instructions had been prepared were they ordered issued to the troops?

A Yes, they were.

Q On whose orders?

A It is the commanding general's order.

Q For how long a time did you continue to be a member of the Military Administration Section or sub-Section?

A I was not in the Military Administration Section. I was a staff member -- I was in the staff concerned with the military administration matters. It was up to the end of February. That was up to the end of February.

Q When did you arrive in the Philippines?

A It was the 23rd of December, 1941, that I landed on Lingayen, I think.

Q Where did you go from there?

A I went to Balanga.

Q When were you transferred to the staff division under Colonel Takatsu dealing with supplies and prisoners of war, and other matters of that nature?

A It was in the latter part of February.

Q Did you prepare any plan for the reception and care of prisoners?

A Yes, I participated in the drafting of the plan.

Q When was that plan prepared?

A The middle of March.

Q Who participated in the preparation of that plan?

A Colonel Takatsu, commanding officer of the Line of Communications Section; commanding officer of the well-digging unit; the members of the Medical Section, and Intendance Section.

Q Was the plan approved?

COLONEL MEEK: May we get that last answer read? I didn't get one of the points.

GENERAL DONOVAN: Well-digging unit. You heard it right.

(Answer read.)

LIEUTENANT ONODERA: Commanding officer of the well-digging unit. I made a mistake.

Q (By Captain Ott) Can you name the persons of those departments or sections that participated in that conference?

A The chief of the Line of Communications Section was Major General Kawane; the commanding officer of the well-digging unit was a first lieutenant whose name I don't

remember. Medical Section member was Major Sekigushi. And the member of the Intendance Section who partic'pated in this drafting of a plan was a first lieutenant whose name I don't remember.

Q Was the plan proposed at this conference approved?

A Yes.

Q By whom was it approved?

A Commanding general of the Army.

Q What was that plan?

A The place of internment was decided as Camp O'Donnell. However, because there were not enough buildings in Camp O'Donnell the buildings in Paranaque Camp were to be moved to Camp O'Donnell. The number of P.W.'s then estimated was 40,000, because although there were wells inside, within the Camp O'Donnell, they were not sufficient. Therefore, the well-digging unit was to go there and dig for wells. However, if this was not possible, the water pipe was to be laid down.

GENERAL DONOVAN: A ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present with Defense counsel. The Prosecution are present and are ready to proceed.

GENERAL DONOVAN: Read the last question.

CAPTAIN OTT: I think the witness was answering a question.

(Question and answer read.)

GENERAL TRUDEAU: I think the word should be Panique.

GENERAL DONOVAN: Let's check on that word.

CAPTAIN OTT: Panique is the town.

GENERAL DONOVAN: There is an answer to be completed.

A (Continuing, through Interpreter Onodera) The evacuation of prisoners of war to Camp O'Donnell, the plan called for using the road from Balanga and San Fernando, and to use trains from San Fernando to Capas. As for feeding, the line of communications commander was collecting rations along the road at Balanga and San Fernando. He was to collect rations at these points. As for the medical situation, the line of communications hospitals at Balanga and San Fernando were to take care of the prisoners along the road, and if the line of communications hospital which was expected to arrive from Japan in the middle of March should arrive earlier the condition of medical attention for the prisoners would improve. This plan was to be effected by the 20th of April.

That is all.

Q (By Captain Ott) Was this plan based upon a survey made on likely camp sites?

A (Through Major Pratt) Yes.

Q Who made that survey?

A The commander of the line of communications and his staff members; Colonel Takatsu and the officer in charge of the well-digging unit.

Q Had they considered any other site than O'Donnell?

A Besides O'Donnell, there were Cabanatuan and Panique.

Q Why was O'Donnell selected in preference to Panique and Cabanatuan?

A The first reason was it had better water facilities; secondly, that it was close to the line of communications bases; third, that so many buildings were already there; and fourth, that it was close to Bataan. Cabanatuan was all right, too, but it was planned in the future to use Cabanatuan as a camp for Japanese soldiers.

Q Did the plan provide for the marching of prisoners from Bataan to San Fernando?

A At the time, we weren't sure whether it would all be done by marching or whether it would be done by vehicle to a certain extent, but we estimated that if everything went well approximately one-fourth of them could be moved by vehicle.

Q Was this plan approved?

A Yes.

Q By whom?

A The army commander.

Q Who was the army commander?

A Lieutenant General Homma.

Q When you were transferred to staff officer dealing with supplies, what did you find the situation to be there, with regard to supplies in the Japanese Army?

GENERAL DONOVAN: What is it he asked there?

MAJOR PRATT: He just repeats part of my question, sir, to make sure in his mind he has got the question right.

GENERAL DONOVAN: Is that a general question? Because if it isn't, he can --

CAPTAIN OTT: This man was in charge of requisitioning supplies. I want to find out just exactly what he knows about the supply situation in the Japanese Army at the time he moved into that position, which he said was in the latter part of February.

GENERAL DONOVAN: The supply level, whether it was short or over?

CAPTAIN OTT: That is right; that is what I am getting at.

GENERAL DONOVAN: That is all right. Let him try it.

A (Through Major Pratt) The over-all supply picture was not too good.

Q (By Captain Ott) Would you explain what it was?

A The fixed amount of rice in the Japanese ration was 800 grams, but actually the supply was five to six hundred grams. Meat and vegetables were extremely scarce. One example is that when I was at the army headquarters on Bataan, the daily meal was of rice gruel and pickled plums, and it was so thin I was able to drink it down.

Q What date was this that he went to Bataan?

A That was in March and April.

Q Will you ask him to continue?

GENERAL DONOVAN: I believe that you could help out if you would be a little more specific.

CAPTAIN OTT: All right, I will try it.

GENERAL DONOVAN: If you want to find out about rice, ask him about rice; if you want to find out about something else, ammunition, ask him about ammunition; that is perfectly all right with us, just so we can get the answer.

Q (By Captain Ott) Just about what portion of the regular ration was being given to the Japanese soldiers in the latter part of February or March?

MAJOR PRATT: Do you mean of the standard ration?

CAPTAIN OTT: Yes, of the standard ration.

A (Through Major Pratt) February or March?

Q (By Captain Ott) Well, if there are any changes, ask him to state first on the 1st of March, and then the 1st of April.

A Rice was very scarce, and we sent a wire to Tokyo, but no rice came. We attempted to gather rice in the Philippines. However, there was unrest and lack of order, and the communications facilities were poor, and so we were able to get very little. And in Manila, since the civilians' rice supply was scarce, we had to issue rice to the civilians which belonged to the Japanese Army.

Q The question I wanted answered is this: Do you know what portion of the standard ration the Japanese soldier was getting, say as of the date of the second offensive in

Bataan, which was April 3, I believe?

GENERAL DONOVAN: May I make a suggestion as to how you might get an answer?

CAPTAIN OTT: Yes, sir.

GENERAL DONOVAN: Ask him if the soldier was getting a full ration or half a ration or just two-thirds a ration on the same date, approximately.

Q (By Captain Ott) On April 3, was the Japanese Army, that is, the combat troops, receiving a third of a ration, a half a ration, or three-quarters of a ration, or a full ration?

A (Through Major Pratt) It was from one-half to two-thirds. When you say "what percentage", there might be some mistake. I would like to give it in grams.

Q Well, tell him to give it in grams.

A 800 grams was the standard ration, but the actual one was five to six hundred.

Q Grams of what?

A Rice.

Q What other items contained in the ration --

GENERAL DONOVAN: Captain Ott --

GENERAL TRUDEAU: Counsel, may I ask one question here?

CAPTAIN OTT: Yes, sir.

GENERAL TRUDEAU: Is the standard ration in the Japanese Army six go's?

THE WITNESS: (Through Major Pratt) Yes.

GENERAL TRUDEAU: How many grams in six go's?

THE WITNESS: It is a little bit over 800 grams.

Q (By Captain Ott) What other items were contained in the rations, in the portion they were getting?

A (Through Major Pratt) A little vegetables, a little meat, and some salt and tea, and from time to time sugar, and that is all.

Q When was this requisition made for further supplies on Tokyo, that you spoke of just a minute ago?

A It was the latter part of January.

Q How did you know about that?

MAJOR PRATT: About the telegram?

CAPTAIN OTT: Yes.

A (Through Major Pratt) I heard it from Colonel Takatsu.

Q (By Captain Ott) Was there any other requisition made, either on the Southern Army or on Tokyo, for food-stuffs?

A Just to the Supreme Southern Army and Tokyo.

Q How many requisitions were made in that manner, from the one in January?

MAJOR PRATT: May I have the question read, please?

(Question read.)

A (Through Major Pratt) Six times.

Q (By Captain Ott) Can you give the dates of those requisitions?

A In the middle of February, around the 20th of March, the 10th of April, and in May and June, and I don't remember the dates then.

Q What answer did you receive?

A During 1942 we asked for 100,000 tons of supplies, of rice, and during that time they promised to send 50,000.

Q How much did they send?

A In June and July, approximately 2000 tons arrived.

Q For each month?

A Each month.

Q Now, what do you know about the medical supply situation in the Japanese Army during -- from the landing of the Japanese troops in the Philippines?

MAJOR PRATT: After the landing?

CAPTAIN OTT: Yes.

A (Through Major Pratt) The medical supplies became insufficient immediately after the landings in the Philippines, and when the 48th Division went to Java they took a large supply with them, and medical supplies became even more scarce.

Q Did you have anything to do with requisitioning medical supplies from the Southern Army or Tokyo?

A The amount of medical supplies was a matter for the medical section of the army.

Q What did you have to do with obtaining requisitions or issuing requisitions for medical supplies where request was made to Tokyo or to the Southern Army for them?

GENERAL DONOVAN: I do not believe he will get that question. Do you want to find out what he had to do with the requisitioning of medical supplies?

CAPTAIN OTT: Yes, sir.

GENERAL DONOVAN: Ask him if he prepared the requisitions for medical supplies to the Southern Army or Tokyo.

Q (By Captain Ott) Did you prepare the requisitions for medical supplies on the Southern Army or Tokyo?

A (Through Major Pratt) Do you mean by sending telegrams?

Q Yes.

A After looking at the request from the medical section and considering the operational necessity we sent them out.

Q Was that also true in regard to food, did you do the same thing in regard to that?

A Yes.

Q What requests did you have for the medical department for medical supplies?

A The principal things were malaria medicines and dysentery medicines.

Q How frequently were these requests made by the medical department?

A They were presented ten times, as I remember it.

Q During what period of time?

A From the end of February to the end of July.

Q What did you do about it?

GENERAL DONOVAN: Have you asked him whether he sent to Tokyo for that?

Q (By Captain Ott) Did you make request upon the Southern Army or Tokyo for medical supplies?

A Yes.

Q What supplies did you ask for?

A As I recall, it was malaria medicine and dysentery medicine.

Q They were the most urgently requested items?

A Yes.

Q How many requests did you make on the Southern Army or Tokyo for medical supplies?

A Ten times.

Q What medical supplies did you receive in response to these requests on the Southern Army or Tokyo?

A At the end of April the malaria medicine came.

Q How much came?

A I don't remember the exact number, but less than two days supply for 30,000 men of malaria medicine came by plane.

Q What malaria medicine do you refer to, what kind?

A I don't know.

Q Are you referring to quinine?

A I believe it was quinine, but I do not remember exactly.

Q Were any other medical supplies received by the end of July before you left the Philippines in July?

A I heard that in May, June and July some came in in each month.

Q How did the amount that came in compare with the amount that had been requested?

A Taking, for instance, the latter part of July, the part that arrived here was one-thirtieth of what was requested -- that was in the latter part of April, rather.

Q You mean it was received in July?

A In the latter part of April they received one-thirtieth of what they requested.

Q By the end of July how much had they received of the amount that had been requested?

A I don't remember.

Q How many line of communication hospitals did the 14th Army have when it landed in the Philippines?

A Four.

Q What is the standard amount of the Japanese Army based upon the strength of the army?

MAJOR PRATT: Standard amount of what?

CAPTAIN OTT: Standard number of line of communication hospitals based upon its strength?

THE WITNESS: (Through Major Pratt) Eight; about eight.

Q (By Captain Ott) How many field hospitals did the Japanese Army have when they landed in the Philippines?

A (Through Major Pratt) The 16th Division had three; the 48th Division had two or three, I don't quite remember, and the 65th Brigade had one only.

Q Now, when you gave four as the number of line of communication hospitals, did you include the 48th Division?

A The line of communications had four hospitals, and beyond this the 48th Division had two or three field hospitals.

Q Did the 48th Division, when it left, take with it a line of communications hospital?

A They took one.

Q Where did the 48th Division go when it left the Philippines?

A To Java.

Q Now, had there been an order putting into effect this plan for the reception and concentration of prisoners at Camp O'Donnell?

A Yes.

Q When was that plan put into effect?

A You mean the date that the order was issued?

Q The order, yes, when was it issued?

A As I recall it, it was the 23rd of March.

Q Now, to whom was that order issued, and what did it cover?

GENERAL DONOVAN: We will recess at this time until 1330.

(Whereupon, at 1125 hours, a recess was taken until 1330 hours, 31 January 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in sesssion.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The prosecution is present, and we are ready to proceed.

MORIYA WADA

a witness on behalf of the Defense, having been previously duly sworn, resumed the stand, and testified further as follows:

DIRECT EXAMINATION (Resumed)

MAJOR PRATT: Shall we remind the witness that he is still under oath?

GENERAL DONOVAN: Under oath, yes.

(Major Pratt reminded the witness as requested.)

(Last question read.)

INTERPRETER OGITA: Do you mean the order for the preparation of taking prisoners?

CAPTAIN OTT: Yes, I do.

A (Through Interpreter Ogita) I issued orders to the commanding officer of the line of communication, also the commanding officer of the medical section of the line of communication and the commanding officer of the well-diggers unit.

Q (By Captain Ott) Was any report received as to what preparations were being made pursuant to that order?

INTERPRETER OGITA: Will you read that back?

(Question read.)

A (Through Interpreter Ogita) There was a report around the 2nd of April.

Q (By Captain Ott) Who made the report?

A The headquarters of the line of communications.

Q Was that report in writing or was it oral?

A Oral report.

Q Who was the person who made it?

A The staff officer of the headquarters of the line of communications.

Q What was his name?

A Major Fukuyori.

Q To whom did he make the report?

A Colonel Takatsu.

Q How do you know that he made the report?

A I listened to it together with Takatsu.

Q What was the report?

A It was to the effect that preparations were not complete for quartering and rationing the prisoners.

Q What preparations are you referring to?

A We referred to transportation of provisions, sanitary preparations and housing at the camp.

Q What was the date of this report?

A It was the situation on April the 1st.

Q What reply, if any, was made to that report?

A Whose reply?

Q Either yours or Colonel Takatsu's?

A It was a feeling of General Homma for them to put in their best effort and further their preparation, so the reply was to that effect.

Q What did Major Fukuyori say?

GENERAL DONOVAN: We can't hear you.

Q (By Captain Ott) Major Fukuyori.

GENERAL DONOVAN: What about him? We can't hear the question.

Q (By Captain Ott) What did he say?

A (Through Interpreter Ogita) He said that although the line of communication unit has many difficult jobs, they will try to do according to the wishes of the commanding general.

Q How much before the second offensive of Bataan did this conference take place?

A It was the day before.

Q Was that the end of that conversation?

A Yes.

Q Did you receive any further reports?

A Besides that one we never received any other report.

Q Did you receive a report from General Kawane's headquarters about April 9, 1942, concerning prisoners?

A April the 9th?

Q About that time; April 9 or about that time.

A A report was demanded by the army headquarters.

Q From whom?

A I made a phone call to Major Fukuyori and demanded the report.

Q What did Major Fukuyori say?

A He said that "there is no great changes since the report which he made on April the 2nd." Things were practically the same.

Q What did he say? What did you tell him in answer

to that report?

A I called him to the army headquarters to talk over detailed matters.

Q Did he come?

A Yes.

Q Who were present at that time when he came over?

A I do not remember.

Q What date was that?

A Around 4 P. M. on April the 9th.

Q What was said at that conference?

A Until then the number of prisoners was estimated at 40,000, but there were actually 70,000.

Q When did you learn that?

INTERPRETER OGITA: He isn't finished answering.

THE WITNESS: (Through Interpreter Ogita) Since that is April the 9th, the American and Filipino forces are surrendered around noontime. There will be many more prisoners shortly, so the line of communication unit will have to work without rest or sleep. "Orders will definitely be issued tonight, so we would like to have the liaison officer sent out. We would like to have a liaison officer by 7 P. M. tonight."

Q (By Captain Ott) Liaison officer from what organization?

A Line of communication headquarters.

Q Was anything further said at that time?

A No.

Q Did the liaison officer arrive?

A Yes, he came.

Q Who were present at the time he came?

GENERAL DONOVAN: May I ask why that particular question, why the liaison officer arrived? Or will you admit the liaison officer arrived at headquarters, Colonel Meek?

COLONEL MEEK: Yes, sir, I will admit all of that.

Q (By Captain Ott) After the liaison officer arrived whom did he see?

A A second lieutenant; I do not remember his name.

Q The liaison officer was a second lieutenant?

A Yes, the liaison officer was a second lieutenant.

Q Whom did the second lieutenant see when he arrived at headquarters? To whom did he report?

A To me.

Q What was said at that time? What conversation did you have with him?

A Besides the liaison officer, I had to call many other people to the headquarters, so I didn't have time to talk to him.

Q Do you know what was told to him at headquarters?

A Yes.

Q What was told to him?

A An order was given to him.

Q What was in the order?

A Order concerning the internment of prisoners of war.

Q What did the order contain concerning the prisoners of war?

A I testified this morning about this matter. On March 23, plans were made for the internment of prisoners of war, and this order was pertaining to the following of that fixed plan; in other words, to receive the prison-

ers from the front lines and intern them at Camp O'Donnell.

Q Did you see any prisoners that surrendered on Bataan?

A Yes.

Q When did you first see them?

A On the 10th of April.

Q Where?

A I saw the prisoners going northward between Balanga and Mariveles, and I saw the prisoners assembled in the vicinity of Mariveles and Cabcaben.

Q On what date was that?

A The 10th.

GENERAL DONOVAN: Didn't he just answer that question about two minutes ago. Read a few questions back.

(Record read.)

GENERAL DONOVAN: He just answered that question twice in the last two minutes.

Q (By Captain Ott) Did you make a trip to Camp O'Donnell?

A Yes.

Q When?

A Around the middle of April -- around the middle of May and at the end of July. The time that I went around the end of July I did not go into the camp itself, but I went to Capas where the prisoners were coming out.

COLONEL MEEK: May I have that read back?

(Record read.)

Q (By Captain Ott) On your trip to Camp O'Donnell in the middle of April, where did you start from and

where did you go?

A I left Balanga, I went to San Fernando, and then through Manila to Camp O'Donnell.

Q You mean you went to Manila and then to Camp O'Donnell?

A Yes.

Q Did you see any prisoners of war along the route?

A Yes.

Q Where did you see them?

A Between Balanga and San Fernando I saw an almost continuous column of prisoners marching.

Q Did you see any dead prisoners?

A Yes.

Q How many?

A About 5.

Q What did you do at Camp O'Donnell?

A I asked Tsuneyoshi, who was at Camp O'Donnell, about the situation.

Q What did he say?

A The situation of housing, water and food at the present time was not good, but efforts are being made to improve the situation. As for the water, before I went to this camp Major Sekiguchi from the medical section went and told Captain Tsuneyoshi that the water purification machine would be furnished.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

CAPTAIN OTT: What was the last question?

(Question and answer read.)

Q (By Captain Ott) Did you make an inspection of the camp?

A (Through Interpreter Ogita) Yes.

Q What did you see?

A The water situation?

Q About everything: the water situation, sanitary conditions, and conditions of the prisoners, food, anything else that came to his attention.

A I asked a prisoner, and he said that there was insufficient food and water.

Q What about medicine?

A Sufficient medical supply had not arrived yet.

COLONEL MEEK: What was that answer?

(Answer read.)

Q (By Captain Ott) What about sanitary conditions?

A They hadn't been sufficiently completed. I saw well-diggers -- I saw the well-diggers and prisoners who were technicians, who seemed as if they were technicians, working on pipes for water, on pipes from the wells. I saw some prisoners on trucks who were going after some buildings at Panique.

GENERAL DONOVAN: What was that question? Was that

question something about the sanitary situation?

CAPTAIN OTT: Yes, sir, it was.

GENERAL DONOVAN: Do you want him to answer that question, or do you want him to go ahead?

CAPTAIN OTT: I would like him to answer the question as to what were the sanitary conditions.

GENERAL DONOVAN: Will you read the last question?

(Question read.)

GENERAL DONOVAN: Ask him to answer that question about sanitary conditions, and just eliminate all this other business.

THE WITNESS (through Interpreter Ogita): It was not sufficient.

Q (By Captain Ott) What was your conclusion about the conditions at Camp O'Donnell?

A The present condition at the camp was not good, but since the personnel at the camp were putting in much effort I thought that the conditions would improve. And also because of the fact that it was said that the commanding officer of the line of communications had concern about the P.W. camp, and he was to visit the camp, so I felt that conditions would improve.

Q What date was this inspection made?

GENERAL DONOVAN: Wasn't the answer the middle of April? We had that answer before.

A (Through Interpreter Ogita) I remember it as being April 15.

GENERAL DONOVAN: I was sure of that, too.

Q (By Captain Ott) When did you return from Camp

O'Donnell?

A From there I went to Lingayen, and on the 16th I came back to Balanga.

Q Did you make a report of your inspection of Camp O'Donnell?

A I made the report to Colonel Takatsu.

Q Did you make that report immediately upon your return?

A Yes.

Q What did Colonel Takatsu say?

A He said that"The line of communications unit has much difficulties, but I wish that it would put in more effort so that the conditions would improve quickly."

Q Did you take this matter up with General Homma?

A I did not consult him.

Q Did you make any other visit to Camp O'Donnell?

GENERAL DONOVAN: May I interject there?

CAPTAIN OTT: He made another visit --

GENERAL DONOVAN: He made two more: The middle of May and the latter part of July. He has already testified to that.

Is that right, Major Skeen?

MAJOR SKEEN: That is what the witness said, I believe.

GENERAL DONOVAN: The point I am trying to make here is, if we want to find out the difference in his different inspections that he made up there -- I presume that is the direction you are traveling, is that correct?

CAPTAIN OTT: Not particularly.

GENERAL DONOVAN: Do you want to find out what he found out at the next inspection?

CAPTAIN OTT: To find out what he saw and what he reported.

GENERAL DONOVAN: If you can word the question as to showing improvement or otherwise, maybe we can get along a little bit faster with this.

CAPTAIN OTT: That isn't the purpose of this examination.

GENERAL DONOVAN: All right; go ahead.

Q (By Captain Ott) When you made this trip to Camp O'Donnell in the middle of May, whom did you see?

A (Through Interpreter Ogita) I met Captain Tsuneyoshi.

Q Did you ask him for a report on conditions at Camp O'Donnell?

A Before I requested a report I made the inspection first.

Q Will you state what you observed on that inspection?

A I will speak of the sanitation situation: There were many malaria and diarrhea patients -- dysentery patients. As for the dysentery patients, the facilities were insufficient. The disinfecting of the latrine was poor.

As for the water situation, it generally met the demand, fulfilled the demand.

The housing situation was improved over the condition of mid-April, but it still did not meet the hopes of the Army Headquarters.

The food, as far as the amount was concerned, was generally satisfactory, but the quality of the food was not good.

As for the efforts of the camp commandant: When I

visited the camp in mid-April, he said with his mouth that he would put in much effort and try, but in mid-May when I made the inspection, his efforts were not in evidence; and also, not only that, but his ingenuity was poor.

Q What about medical supplies?

A Medicine for malaria and dysentery was insufficient.

Q Is that the extent of his observation?

GENERAL DONOVAN: Was that a question?

Q (By Captain Ott) Is that the extent of your observation?

A (Through Interpreter Ogita) Yes.

Q What did you do on your return to headquarters?

A First I made a report to Colonel Takatsu; then immediately I made a report to the commanding general.

Q What did you tell him?

A To whom?

Q Well, first to Colonel Takatsu, then to General Homma.

A I just stated the conditions at Camp O'Donnell. I reported just about like that.

Q What did General Homma say?

A He said that that was very unsatisfactory. He also told me to study the plans and find some solution. In studying policies, relieving of the command of that camp commandant came first, and General Homma also told me to study about policy of releasing, generally releasing prisoners of war, and make a report.

Q Did you prepare a plan containing methods for correcting conditions at Camp O'Donnell?

A Yes.

Q Who participated with you in this plan?

A Colonel Takatsu sponsored a meeting. The ones who attended the meeting were Colonel Takatsu, Major Sekiguchi of the medical department, and a certain First Lieutenant of the Intendance Department and myself.

Q What plan, if any, did you prepare?

A The first matter was the change of the camp commandant, in accordance with General Homma's wishes. It was required of the commanding officer of the line of communication unit to submit the name of the successor for the post of camp commandant by the next day. The meeting was held on the 15th, and by the next day I mean the 16th.

The next matter was the release of P. W.'s. It was resolved immediately to send a wire to Tokyo. Because of the fact that the reply might be delayed, at the responsibility of the commanding general the good prisoners were to be released successively. Also to improve the quality of the food it would be necessary for the personnel at the food storage place to be careful distributing the food, and at Camp O'Donnell itself it would be necessary to raise cattle, pigs and chickens.

GENERAL DONOVAN: We will take a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

GENERAL DONOVAN: Will you read the last question and answer?

(Question and answer read.)

Q (By Captain Ott) Did the plan contain anything else?

A (Through Major Pratt) Next sanitation. Major Sekiguchi frequently went to Camp O'Donnell, but it was decided to send him out immediately to make specific investigations. The next thing was to transfer the U. S. hospital at Little Baguio to Camp O'Donnell so that the sick would get well soon. Also to turn over medical supplies as soon as possible. That is generally what was included.

Q Was this plan submitted to any of the higher levels of command after it had been prepared?

GENERAL DONOVAN: Why not ask him to whom was the plan submitted?

Q (By Captain Ott) To whom was the report submitted?

A (Through Major Pratt) To the army commander.

Q Was the report submitted to General Homma?

A Yes.

Q Did he approve it?

A He approved it and immediately ordered it put into effect.

Q When was that?

A On the 15th.

Q The 15th of May?

A Yes.

Q How soon after your return was that plan ordered to be put into effect?

A One hour later.

Q Is that his return from Camp O'Donnell?

A It was executed an hour after the commanding officer ordered it.

Q How much time elapsed between the first conversation you had with General Homma and the time General Homma ordered it executed?

A Four hours.

Q Did Major Sekiguchi go out to Camp O'Donnell?

A He went the following day.

Q When did he return?

A Towards evening on the 16th.

Q Did he make a report?

A Yes.

Q To whom did he report?

A To Colonel Takatsu.

Q Were you there?

A Yes.

Q What did he report?

A He reported that there were many sick from malaria and dysentery and that the disinfectant facilities were not adequate.

Q What was done about that?

A They turned over medicines from the medical section. The medical section ordered that the commanding officer of the line of communications should transfer the U. S. hospital at Little Baguio to Camp O'Donnell.

Q What was the quantity of medicine that was ordered turned over to Camp O'Donnell?

A I don't remember exactly what the amount was, but,

as I recall, it was less than we had hoped.

Q Was it less than what was needed?

A Yes.

Q Why wasn't more sent?

A It was said that there was not enough medicine.

Q Did you receive a report from General Kawane or his headquarters concerning the execution of this order?

A Yes.

Q What was that report?

A First it was about the relief of the commanding officer; that the commanding officer was to be relieved. On the 16th a successor was chosen and reported to the army headquarters.

Q Who was it?

A Lieutenant Colonel Ito.

Q What was the reason for selecting him, if you know?

A He was a man of good character and he was a Japanese officer who understood English.

Q Was any further report received from General Kawane's headquarters?

A We had a report that after the 20th, I believe it was the 22nd or 23rd, that he took office.

Q Who took office?

A Colonel Ito took office.

Q Did the report come from Colonel Ito?

A The report came in the middle of June.

Q From whom was that report?

A It came from Lieutenant Colonel Ito through the headquarters of the line of communications to the army

headquarters.

Q What was that report?

A It was on the food situation. At the present time we had bought cattle, pigs and are raising vegetables, and the prisoners are getting new kinds of food. They are raising mango.

MAJOR PRATT: May I make a correction?

GENERAL DONOVAN: Yes.

MAJOR PRATT: "We bought mangos from the Filipinos and distributed them."

THE WITNESS: (Through Major Pratt) Next is the sanitation. By the 1st of June the hospital at Little Baguio had been moved over and the situation was getting much better, and medical supplies were gradually coming in.

COLONEL MEEK: If the Commission please, do I understand this is a report that Ito is making or that Ito made, and he is now recounting it here?

CAPTAIN OTT: That is what I understand.

GENERAL DONOVAN: That is correct.

COLONEL MEEK: That is what I want understood here, that it is some report that he was supposed to have received.

THE WITNESS: (Through Major Pratt) And we are making a survey of the death rate on a graph posted in the camp commandant's office.

Next is housing. A plan was in execution to construct 600 buildings for 50 or 100 men each.

The next is water. More water pipes were set up. Band instruments and sporting equipment were to be supplied to improve the health and the morale of the prisoners. The people who died of illness were to be decently buried, and there would always be a minister present.

That is all.

Q What was the occasion of your third visit to O'Donnell?

GENERAL DONOVAN: The latter part of July?

CAPTAIN OTT: That was the third visit he made.

COLONEL MEEK: He hasn't testified as to the third visit. He said he got as far as Capas the third time.

CAPTAIN OTT: I beg your pardon.

Q (By Captain Ott) Did you make a trip to Capas in July?

A Yes, I did.

Q What was the reason for going to Capas then?

A To release 500 prisoners who were in a weak condition.

Q To release them, or to observe them on their release?

A I went to inspect their release.

Q What did you see?

A The purpose of my inspection was to see if there were people there to receive these men and to determine whether or not they could return by themselves in their condition.

Q Could they?

A They were all escorted, and I think they could have returned.

Q Were any of the prisoners taken to the hospital in Manila?

GENERAL DONOVAN: Let us get in on that, too.

Q (By Captain Ott) Were any of the prisoners taken to the hospital in Manila?

A Previous to this some were sent to the hospital in Manila. As I recall, it was in June.

Q This was not the first release of prisoners, then?

A Some were released before this.

Q Were any released to go home to be treated there if they were ill?

A Yes.

Q Were they given any medicines before leaving the camp to take with them?

A Yes.

Q How much?

A I don't remember the amount, but it was enough malaria medicine for one week.

Q When you returned from this trip to Capas did you make a report?

A Report to whom?

Q Any report to anyone.

A I reported to Colonel Takatsu.

Q What did you report?

A It was just the way I have explained it now.

Q Did you report to General Homma?

A The report was made by Colonel Takatsu.

Q To General Homma?

A Yes.

Q Do you know what was said? Was there an oral report, or --

A Yes, I do.

Q What was said?

COLONEL MEEK: Just a moment. That is a little far-fetched. He didn't have himself present with Takatsu when he talked to Homma, and to have this witness testify as to what Takatsu said to Homma is a little bit beyond the realm

of reason.

Q (By Captain Ott) How do you know that Colonel Takatsu reported to General Homma?

GENERAL DONOVAN: Is he answering the question "How do you know that Colonel Takatsu reported to General Homma?"

COLONEL MEEK: May I interpose one other statement? Colonel Takatsu is here and has testified in this case. It seems to me instead of all this hearsay evidence from this particular witness, why don't they put the man who knows the answer on the stand?

CAPTAIN OTT: This is the first time I heard the Prosecution object to hearsay. We have been objecting to it right along.

COLONEL MEEK: Not whenever we have an available witness. The Prosecution would put him on the stand.

CAPTAIN OTT: He was your witness.

GENERAL DONOVAN: Just a minute. Is there an objection here?

COLONEL MEEK: Yes; I object to this man testifying to something he was told -- something told to him by somebody else, when that witness is available.

GENERAL DONOVAN: Let's get the answer to the last question, then I will take up the objection.

A (Through Major Pratt) After General Takatsu reported to General -- After Colonel Takatsu reported to General Homma he told me that General Homma said that.

GENERAL DONOVAN: Now, hold it.

Now, do you want to object?

COLONEL MEEK: I want to renew my objection, yes.

Colonel Takatsu is here and available, and put him on the stand as to what reports he made to General Homma.

GENERAL DONOVAN: The objection is not sustained. Go ahead with this witness.

A (Continuing, through Major Pratt) He told me that General Homma said to him that if the release of the prisoners proved successful he wished to continue it.

GENERAL DONOVAN: No objection to your bringing Colonel Takatsu here later on if you wish.

COLONEL MEEK: I am trying to save a little time and get away from this hearsay evidence.

GENERAL DONOVAN: All right, Captain Ott.

Q (By Captain Ott) Did the release of prisoners continue thereafter, do you know?

A Yes, they did.

Q When did you leave the 14th Army?

A The 15th of August.

Q Did you ever inspect the Cabanatuan prisoner of war camp?

A No.

Q Did you receive any report from inspections made by staff officers?

A The assistant to the staff officer made an inspection and I heard his report.

Q What was his report?

A This report was on the conditions.

GENERAL DONOVAN: Just a minute. Before you make this -- we will take a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, the members of the Commission are present. The Accused with members of Defense counsel is present. Prosecution is present and is ready to proceed.

MAJOR PRATT: Sir, there is an answer to be made.

A (Through Major Pratt) This report was on the conditions in the middle of May.

GENERAL DONOVAN: Let me interrupt, please.

At Cabanatuan?

CAPTAIN OTT: Yes, Cabanatuan.

A (Continuing, through Major Pratt) The housing was sufficient, but it was scattered too much, and the supervision of the prisoners was difficult. Consequently, it was desired to concentrate the better houses.

Next was the food situation. The food situation is not 100 percent satisfactory; especially fresh food was insufficient, and fruit, which is liked by the Americans, was insufficient.

As for the sanitation, there were many malaria and dysentery patients, and there was not enough medicine. As for the doctors, there was no worry about that, because there were many good American medical officers.

That is about all.

Q (By Captain Ott) Was any action taken on that report?

A The report was made to General Homma concerning the above matter.

Q What was done then? Who made that report to General Homma?

A I did it.

Q What did General Homma say?

A "In the Philippines, the treatment of the American prisoners of war would not be satisfactory all the time, so it would be better to send them either to Formosa or to Japan." Furthermore, he ordered -- he issued an order to make various policies and plans to submit a report.

Q What was the reason for the statement that in the Philippines the Americans would not -- would not be as well off as they would be in Formosa or Tokyo, or whatever it was --

A In the Philippines the weather is very warm and the people become easily infected with various disease. As for the food, in the Philippines it is very difficult to acquire fish and vegetables and other fresh food.

As for the housing, it is very difficult to find or construct good houses.

Q Was a report made as to what should be done?

A To General Homma?

Q To General Homma, yes.

A He said to wire Tokyo immediately. There is another thing that General Homma said: He also said, "If the

American prisoners could not be sent to Japan or Formosa, have Tokyo send down someone to handle the American prisoners down here." A wire concerning this matter was also sent to Tokyo.

GENERAL DONOVAN: I would like to see if he means somebody who understood the Americans; is that what he meant?

CAPTAIN OTT: Yes, I think I will get to that.

Q (By Captain Ott) In response to these wires to Tokyo, what was done by Tokyo?

A (Through Interpreter Ogita) In June, high-ranking American officer prisoners -- in other words, over the rank of colonel -- were sent to Taiwan and Japan.

Q Is that over the rank of colonel, or including?

A It includes colonels. Because a majority of the prisoners cannot be sent to Formosa or Japan, in mid-July Tokyo dispatched a person to handle the prisoners.

Q Who was that person?

A Major General Morimoto.

Q Did he come alone? Did he come here from Japan alone?

A I think I remember him bringing out ten subordinates.

Q To whom did he report?

A As soon as Major General Morimoto arrived, he was summoned by General Homma.

Q Were you present at the conversation between them?

A I was not present.

Q What did Major General Morimoto do after he had had the conversation with General Homma?

A Major General Morimoto told me the following story:

Major General Morimoto told me to go immediately to Cabanatuan and study the conditions of the prisoners and formulate a plan on how to improve the method of handling the prisoners.

Q Did you go to Cabanatuan?

A I did not go.

Q Did General Morimoto go?

A Yes.

Q When did he go?

A I remember it as being somewhere around July 20.

Q How long was that after General Morimoto had arrived in the Philippines?

A About five days, I think.

Q Did General Morimoto report to headquarters in person, or otherwise, concerning Cabanatuan?

A After he came back from Cabanatuan?

Q Yes.

A Yes.

Q How long had he been at Cabanatuan before he returned?

A I remember it as being somewhere around the 24th or 25th.

Q Did he make a report about Cabanatuan?

A He spoke with Colonel Takatsu.

Q Were you present when he spoke to Colonel Takatsu?

A No, I was not present.

Q Do you know what Major General Morimoto reported about Cabanatuan?

A There were many things, but I only remember one that I heard from Colonel Takatsu.

CAPTAIN OTT: What was that answer?

(Answer read.)

Q (By Captain Ott) What was that?

A (Through Interpreter Ogita) He said that the personnel who ought to handle the prisoners of war must first have all been trained.

Q What did he mean by that?

A I think that it is because Major General Morimoto received all kinds of education concerning the handling of prisoners of war in Tokyo. Since the Japanese soldier does not know customs and habits of the Americans, it is necessary to teach the customs, and it is also necessary to teach them many other details about the prisoners.

Q When was the camp at Cabanatuan established?

A I remember it as being in the beginning of May.

Q Where were the prisoners who were sent to Cabanatuan obtained? Where did the prisoners who went to Cabanatuan come from?

A Bataan and Corregidor.

GENERAL DONOVAN: Is that by way of O'Donnell?

Q (By Captain Ott) Weren't they at O'Donnell, a great many of them, prior to their transfer to Cabanatuan?

COLONEL MEEK: And Bilibid.

Q (By Captain Ott) And Bilibid?

A (Through Interpreter Ogita) Yes.

Q Were they all American prisoners at Cabanatuan?

A Yes.

Q Prior to Major General Morimoto's arrival, and after this report that you spoke of, was anything done to improve

the condition of the prisoners at Cabanatuan?

INTERPRETER OGITA: May I have the question read?

(Question read.)

A (Through Interpreter Ogita) Members of the medical section and intendance section went there and made many improvements in their specialized field.

Q (By Captain Ott) Were these improvements continuing from the date of the first report until you left the Japanese Army in the Philippines?

GENERAL DONOVAN: We didn't get the last part of that.

Q (By Captain Ott) Were these improvements continuing until the time that you left the Japanese Army here in the Philippines?

A Yes, it was continuing.

Q Did you enter Manila on January 2, 1942?

A Yes.

Q Where were you on January 1, 1942?

A On the 1st, I was in the vicinity of Baliuag.

Q When you were approaching Manila, did you see any smoke arising from the city?

GENERAL DONOVAN: I don't believe we know where that place is.

CAPTAIN OTT: I don't think it is important.

GENERAL DONOVAN: Let it go, then.

A (Through Interpreter Ogita) Yes.

Q (By Captain Ott) Did you learn where these fires were which was indicated by the smoke that was rising?

A On the 2nd, I went visiting the harbor in Manila and found out.

Q Did you see the smoke?

A Yes.

Q Well, what was on fire?

A Gasoline tanks and barracks were burning.

COLONEL MEEK: What was said?

(Answer read.)

Q (By Captain Ott) Where were these barracks?

A Barracks near the harbor and barracks near the bridge on the Pasig.

Q Did you learn how this fire had been set, who had set it?

A Yes, I learned.

Q What did you learn?

COLONEL MEEK: Wait a minute. How did you learn?

Q (By Captain Ott) How did you learn?

A I heard that when the Americans were retreating from Manila they set fire, and also they blew up --

COLONEL MEEK: If the Commission please, I ask that that answer be stricken as not responsive to the last question. I want to know how this man learned, and not have him testify as to what he learned; I want to know how he learned, what method.

GENERAL DONOVAN: Let the answer stay, and now find out how he learned.

Q (By Captain Ott) Who told you this?

A Intelligence Staff Officer Nakajima.

COLONEL MEEK: May we have that answer again?

(Answer read.)

COLONEL MEEK: Will you identify him further, please, Captain Ott? Is that the one who testified here?

CAPTAIN OTT: Beg pardon?

COLONEL MEEK: Is that the Nakajima that testified here? Will you identify him further?

Q (By Captain Ott) Who is Nakajima?

A Nakajima, who was a lieutenant colonel at the time. He was staff intelligence officer.

COLONEL MEEK: Now, may we further find out if that is the same witness who testified here?

Q (By Captain Ott) Do you know whether that is the same witness who testified here?

A Yes; same person.

Q Do you know whether the Army ever used Nichols Field, the Japanese Army?

A The Japanese never used Nichols Field.

Q Will you state, if you know, why the prisoners from Corregidor were landed at Paranaque rather than at the

docks right here near the Pasig River, right here at the Pasig River?

GENERAL DONOVAN: Will you read the question, please?

(Question read.)

A (Through Interpreter Ogita) Yes, I know.

Q (By Captain Ott) What was the reason?

A At the time Manila Harbor was very crowded. The reason it was so crowded was because the 4th Division and many other units were leaving Manila for Japan, China, and Manchuria. Also the 17th Army was stopping off at Manila and was also going out again. Another reason was because the line of communications base was transferred to Manila from Lingayen. The condition of the harbor was very crowded at the time.

Another reason was the explanation by the commanding officer of the Maritime Unit. He said that in order to use these landing craft --

INTERPRETER OGITA: Correction.

A (Continuing, through Interpreter Ogita) In order to land a landing craft they must use a sandy beach.

Q (By Captain Ott) What do you know about any rule in prisoner of war camps directing the execution of ten prisoners for any escaped prisoner?

A I don't know anything about that matter.

Q Did you ever hear of such a rule?

A No.

Q Would you have known of such a rule if it had been published at General Headquarters?

A Yes, I should know.

CAPTAIN OTT: That is all I have of this witness, if the Commission please.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Can we have the chart, please, before we start our cross examination?

GENERAL DONOVAN: Just a minute, Colonel Meek.

The Commission will adjourn now and meet tomorrow morning at 8:30.

(Whereupon, at 1610 hours, 31 January 1946, the trial was adjourned until 0830 hours, 1 February 1946.)

[redacted]

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXIII

PAGES 2716 TO 2803

MANILA, P. I.

DATE 1 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
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UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
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	)	

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High Commissioner's Residence,
Manila, P. I.,
1 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Moriya Wada (resumed)		2716	2745	
(By the Commission)	2751			
Ichioku Okubo	2757	2765	2767	
" " (recalled)	2769			
Hisamichi Kano	2772	2778		
(By the Commission)	2784			
Hidemi Kon	2789	2796		
Kenjiro Saibata	2797			

EXHIBITS

DEFENSE EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
D	2771	

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

MORIYA WADA

a witness on behalf of the Defense, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters Major Pratt and Lieutenant Onodera:

COLONEL MEEK: Will you inform the witness he is still under oath?

(Translated to the witness by Major Pratt.)

CROSS EXAMINATION

Q (By Colonel Meek) Where were you prior to 10 November 1941, in the Japanese Army?

A (Through Interpreter Onodera) I was at the Inspectorate General Office of Military Training in Tokyo.

Q How long had you been there?

A From April, 1939, to November, 1941.

Q What was the nature of your work?

A One of my duties was to train or educate the soldiers. The other one was the administrative work concerning training and -- well, educating of the staff officers, by which I mean officers and noncommissioned officers.

Q Was this training of officers and noncommissioned officers, of officers to be engaged in occupation work?

A No.

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Q Was this training of officers and noncommissioned officers, of officers to be engaged in occupation work?

A No.

Q Did you ever serve with General Homma before joining him on 10 November 1941?

A No.

Q What prior experience had you had in prisoner of war work?

A I had no experience.

Q What, exactly, were your duties in the military administration section?

A I was not in the military administration section. I was in General Homma's staff, dealing in matters pertaining to military administration.

Q What were the matters you dealt with then?

A By order of General Homma, before the war I drafted the plan for the governing of the Philippines.

Q What did you do after the war in that department?

A I will speak in order of what I did. After I entered Manila, by order of the chief of staff, Maeda, Deputy Chief of Staff Hayashi, Colonel Takatsu, and others, I took care of miscellaneous administrative work. Also my work dealt with the billeting of troops in the Manila vicinity, and also anything concerning negotiation with naval troops in the Manila vicinity.

Q How long did that continue?

A Until the 22nd or 23rd of February.

Q Then what did you do?

A Then I went to San Fernando and Bataan, and was attached to the line of cummunications work, was assigned to the line of communications work.

Q After the 23rd of February, 1942, then you were no

longer connected with military administration matters, but were assigned to line of communications, is that right?

A Yes.

Q Who was the chief of the line of communications?

A Major General Kawane.

Q Did it take an order from Tokyo to get you transferred from military administration to line of communications?

CAPTAIN OTT: I would like to make this observation: The witness has repeatedly said --

GENERAL DONOVAN: Just a minute.

Were you finished?

INTERPRETER ONODERA: Yes, sir.

CAPTAIN OTT: The witness has repeatedly said he was a staff officer in General Homma's Headquarters dealing with line of communications work, and I think in translating what he said that he has been put in the position now as stating that he was in the line of communications section which, of course, is not true.

COLONEL MEEK: The witness has just got through saying that he was transferred on the 23rd of February from duties in connection with military administration to line of communications. According to this chart that we are taking here as a guide, up to the 23rd of February he was under Colonel Takatsu. Beginning with the 23rd of February he comes under General Kawane.

CAPTAIN OTT: I ask that the witness be asked that question, because obviously it is not so, and he so testified otherwise.

GENERAL DONOVAN: Ask him the definite question as to

what officer he was under at the time you are talking about, who he was working for.

Q (By Colonel Meek) What staff officer were you directly under after the 23rd of February, 1942?

A (Through Interpreter Onodera) There was no change in my commanding officer.

GENERAL TRUDEAU: That doesn't answer the question.

Q (By Colonel Meek) Who was your commanding officer?

A (Through Interpreter Onodera) Colonel Takatsu. Colonel Takatau; then above him, Lieutenant General Maeda, until he was relieved of being his chief of staff; then General Wachi came in; then General Homma was commander-in-chief.

Q Were you at any time under the direct --

GENERAL DONOVAN: Just a minute.

Do any of the other members of the Commission want any more clarification on that? I am satisfied.

GENERAL TRUDEAU: I am satisfied.

GENERAL DONOVAN: He is still on the staff, where he was.

COLONEL MEEK: I understand that, sir.

Q (By Colonel Meek) Were you at any time under the command of General Kawane?

A (Through Interpreter Onodera) No.

COLONEL MEEK: Now may I have that chart?

(A chart was handed to Colonel Meek by Major Skeen.)

Q (By Colonel Meek) Will you point out on this chart the one that refers to line of communications?

A (Through Major Pratt) The staff section which has

written "Supply and Transportation and Prisoners" is the Line of Communications Section.

MAJOR PRATT: And may it be shown that the witness indicated the right-hand section of the No. 2 Staff Department?

A (Continuing, through Major Pratt) There has been a change up until February 23, 1942: Major Inagaki is shown here. And after February 23, 1942, I am shown in this section.

GENERAL DONOVAN: We have that on this chart here.

COLONEL MEEK: I know, but I am trying to find out something else on this chart.

Q (By Colonel Meek) What you have explained is where you are shown on the chart. I want to know where, on the chart, the line of communications is shown, not where you were shown on the chart; I know where that is.

A (Through Major Pratt) It is called the Field Transportation Headquarters. I will give an explanation.

Underneath this "Headquarters" various line of communications groups have been assembled, and it is under the name of the "Headquarters, Luzon Line of Communications."

Q That was commanded by General Kawane?

A Yes.

Q Now, calling your attention to the square marked "Intendance Department," explain who commanded that and what it is.

A This was under the command of the Army commander. Its duties were food, clothing, and pay.

Q What officer had the Army commander put in charge of

that?

A Colonel Masake.

Q Did the Intendance Department have any connection with the one marked "Field Transportation Headquarters," or referred to as Line of Communications?

A Yes, there was a relationship.

Q Was there a relationship between the Intendance Department and the supply and transportation of prisoners of war, in which you worked?

A Yes, there was a relation.

Q What was that relation?

A Do you mean his particular section?

Q Yes, his particular section, the Intendance.

A The Intendance Section had to estimate the amount of military supplies necessary, and --

GENERAL DONOVAN: We know what the Intendance Department was.

COLONEL MEEK: I am sorry; I do not know. I would like to find out.

GENERAL DONOVAN: You don't know what the Intendance Department does?

COLONEL MEEK: I do not know it in the way they have it.

GENERAL DONOVAN: What was the question?

COLONEL MEEK: The question was his relationship with the Intendance. The answer was not very responsive, I submit, but --

GENERAL DONOVAN: Well, let us get the answer you are looking for.

Read the question, please.

(Question read.)

GENERAL DONOVAN: Tell him to proceed.

A (Through Major Pratt, continuing) -- necessary for the Army and requisition the proper amount from the Supreme Southern Command, --

Q (By Colonel Meek) Now, this plan that you prepared --

MAJOR PRATT: Just a minute. There was some more on that last answer.

A (Continuing, through Major Pratt) -- and request the necessary amount from the Southern Army, and report this amount to the staff.

Q (By Colonel Meek) Now, this plan that you prepared, an outline for government in the Philippine Islands -- I believe you stated that went to all the elements of Homma's command?

A (Through Interpreter Onodera) Yes.

Q How was it received by all the elements of his command?

A This is what I heard later: I heard later that the unit commanders of the front line troops, at that time, all agreed with the principle of this plan; and I heard that all the unit commanders, subordinate unit commanders, tried to thoroughly indoctrinate the troops with the policy as advocated by the Army commander.

Q Then your information is that it was generally accepted by all elements of Homma's command?

A Yes.

Q You were in the field after the operations began. Do you think they followed that plan?

CAPTAIN OTT: I want to interpose an objection here. It is unimportant what he thought, whether they followed the plan or not. I have no objection to his stating such facts as he knows which will lead this Court to see any discrepancy, but to call for a conclusion of that sort, I submit, is improper.

COLONEL MEEK: Here is the man who prepared this plan; he was in the field watching the operation. I know of no one who is better qualified to give an opinion as to whether it was being followed in the field.

CAPTAIN OTT: Then I submit he ought to state on what facts that opinion is going to be based, and the witness hasn't stated any such facts.

COLONEL MEEK: He can explain that later.

GENERAL DONOVAN: The question may be answered. The witness has already testified he made a number of inspections around; he should be able to testify as to how these different commands worked out.

Let the witness answer the question.

(Question read.)

A (Through Interpreter Onodera) Generally, I think the plan was followed. However, there were a small minority who did not comply with the wish of the Army commander, and these men were removed from their posts.

GENERAL DONOVAN: Just a minute. I didn't get the last part of it.

LIEUTENANT ONODERA: "And these men were removed from their posts."

GENERAL DONOVAN: There will be a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and ready to proceed.

Will you read the last question and answer?

(Question and answer read.)

Q (By Colonel Meek) Do you recall who some of this small minority who were removed were?

A The chiefs of the Baguio Branch, Military Administration Section, Manila Branch, Military Administration Section, and Cebu Branch, Military Administration Section. These chiefs were removed.

Q Did it take an order from Tokyo to remove them?

A It is necessary to recommend the action to the Tokyo Headquarters.

Q That is not my question. Did it take an order from Tokyo to remove them?

A The appointment of the branch Military Administration Section is under -- the authority to appoint these men is within the power of the Army commander. The men are appointed to the Military Administration Section from Tokyo. The order reads that they will be assigned to the section, Military Administration Section, and does not specify what post.

Q Were these men removed by Homma?

A Yes.

Q Without full approval from Tokyo. I want a yes or no answer to that.

A No.

Q How long did they stay in office -- strike that.

How long did it take General Homma to get them removed from this position after he had recommended their removal?

A The matter of personnel is outside of my line of work and I do not know the details.

Q Will you name these officers by name that were removed?

A The chief of the Baguio Section was Lieutenant Colonel -- his name I don't remember; the chief of the Cebu Section was Lieutenant Colonel Kawakami; chief of the Manila Section was a colonel, but I don't remember his name.

Q What was the date of this removal?

A My recollection is that the Manila Section chief was removed in March, and the section chief of the Baguio Section was removed in the early part of April. When Lieutenant Colonel Kawakami was removed I don't remember.

Q This colonel in Manila, was he directly under General Hayashi?

A Yes.

Q Now, this plan, this outline of the government of the Philippine Islands, was that sent to Tokyo?

A Yes.

Q At the time that it was prepared in Formosa?

A Yes.

Q Who was it sent to in Tokyo?

A Imperial GHQ.

Q Now, when you drew the plan for the Death March -- strike that.

When you drew the plan for the evacuation of prisoners

of war from Bataan, did you make an actual, on the ground, survey of the roads and railroad facilities?

A At that time it was impossible to go south of Abucay. However, from Abucay to San Fernando the line of communications unit made the field survey.

Q Looking at this map here, on your survey did you discover that there was a railroad from -- coming about as indicated on the map, clear into San Fernando?

I beg your pardon. The road that I am talking about is here (indicating), the Floridablanca Road coming in at this place. I want to know about the railroad in that area. It comes in from Lubao to San Fernando.

A You mean the Line of Communications Headquarters' investigation?

Q I mean any investigation that was made in preparing this plan for the evacuation of prisoners.

A I found out that there were round trips along this line (indicating). I was not with the railroad staff section, so I don't know. I was not with the railroad staff section so I don't know for sure when they were making round trips between Lubao and San Fernando.

Q When you were making your plan for the evacuation of prisoners of war did you take into consideration the use of the railroad from Lubao to San Fernando?

A When I spoke to the chief of the railroad staff section he said that we would not pass on this railroad.

Q Did he say why?

A That the train was not passing along this line.

GENERAL DONOVAN: Just a moment.

May we have the answer here?

THE WITNESS (through Interpreter Onodera): The train was not running. There were trains, but they were not running.

Q (By Colonel Meek) Did he say why they were not running?

A I don't know these technical facts.

Q Did you ask him if there was any reason why the train had gone from San Fernando to Capas and could not go from San Fernando to Lubao?

A Yes, I did.

Q What did he tell you?

A It doesn't go down there. It doesn't run down there.

Q This plan that you prepared was before the surrender on Bataan, is that not right? This plan for the evacuation of prisoners of war was prepared before the surrender on Bataan?

A Yes.

Q In that plan did you take into consideration the possibility of the use of captured vehicles for the evacuation of prisoners of war?

A Yes, we considered the possibility.

Q Were you going to use them?

A Yes.

Q When you speak of a soldier's ration in the Japanese Army, do you mean one meal, or meals for one day?

A It is the amount for one day.

Q The plans made at Formosa for the invasion of the Philippines included plans for supply, munitions, medicine, and clothing, did it not?

A At that time I was not connected with that work, so I don't know the details, but it is obvious that such plans were made.

Q Plans were made to bring provisions and rations?

A Yes.

Q For what period of time were rations brought on the invasion; to take care of what period of time were rations brought, on the invasion?

A I do not know, because that was outside of my duty.

Q Do you know if there was any plan in this invasion plan to live off the country?

A Yes, there was such a plan.

Q Was that plan followed?

A After I began to work in the matters concerning line of communications, I remembered that the technicians who knew about rice production came and endeavored to increase the rice output in the Philippines.

Q Now, was the ration to the Japanese soldiers cut because of the fighting, and it couldn't be brought forward to the troops?

A The amount was generally insufficient for the whole troops.

Q Was the ration for the Japanese Army increased after the fall of Corregidor?

A It gradually increased.

Q How soon after the fall of Corregidor did it increase?

A After we entered the month of June, it began to increase successively.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. Prosecution is present, and we are ready to proceed.

Will you read the last couple of questions and answers?

(Record read.)

Q (By Colonel Meek) What was done with the captured rations, captured on Corregidor?

A (Through Interpreter Ogita) Do you mean war material?

Q I mean rations.

A I do not know.

Q Do you know that they were placed on board Japanese ships and shipped out of Corregidor?

CAPTAIN OTT: I object to the witness testifying -- I mean counsel testifying here. If he wants to ask him the question, I have no objection, but --

COLONEL MEEK: I asked him, "Do you know?"

GENERAL DONOVAN: Rephrase that question.

Q (By Colonel Meek) Did you ever hear that captured rations on Corregidor were placed on Japanese ships and shipped out of the Philippines?

A (Through Interpreter Ogita) No.

Q What was the purpose of your visit to Manila on the 2nd of January, 1942?

A I went because there was some concern of whether Manila was destroyed or not.

Q At that time or at any later time, did you make any investigation as to availability of food supplies in the Philippine Islands, particularly Manila?

A Colonel Takatsu instructed Indendance Department to make an investigation.

Q Do you know whether they made an investigation?

A Yes.

Q Did they report finding any stocks of food supplies in Manila or elsewhere in the Philippine Islands?

A I heard that there was very little foodstuff in the Philippines.

Q Do you know whether the Japanese Army sealed the warehouses in Manila on 2 January 1942, or thereabouts?

A Yes.

Q Did any report made by the Intendance Department show that on the 2nd of January, in the National Development Company warehouses in Manila there were sealed 25,000 boxes of milk, of 48 cans to each box?

CAPTAIN OTT: I don't know of any such testimony. Counsel has repeatedly attempted to testify here.

GENERAL DONOVAN: Read that question back.

(Question read.)

GENERAL DONOVAN: I wish you would rephrase that, naming the place if you want to, but leaving off the items; in other words, does he remember any report in connection with this particular outfit as to large amounts of supplies.

Q (By Colonel Meek) Do you remember, in any report that was made, that the warehouse of the National Trading Corporation, known as the National Development Company, was sealed?

A (Through Interpreter Ogita) I do not know.

Q Was any report made by the Intendnance Department, at any time, relative to any milk, any canned milk or other commodities seized or sealed in warehouses by the Japanese Army?

A No.

Q Was any report made by the Intendance Department concerning quantities of rice sealed by the Japanese on or about January 2, 1942, in possession of the National Rice & Corn Corporation?

A I have never heard.

GENERAL DONOVAN: If you are going to ask any further questions along that line of what they seized in these warehouses, didn't this witness testify that the warehouses were sealed here in Manila on January 2?

COLONEL MEEK: Yes, he did, that they were sealed on January 2. I am trying to find out now, if the Court please, if any report was made of any inventory of quantities of food.

GENERAL DONOVAN: I would like for you to ask that one question, then we can go ahead from that; because it is reasonable to assume they sealed something in the warehouses.

COLONEL MEEK: Let me ask one more question, then the general question.

Q (By Colonel Meek) Were any inventories ever submitted to army headquarters of the quantities of foodstuffs, medicine or other supplies, in the warehouses sealed by the Japanese on or about 2 January 1942?

A (Through Interpreter Ogita) When I was in Manila, I have never received such reports.

Q Do you know whether any reports were ever made, whether you received them or not?

A I believe General Hayashi, Chief of Military Administration, received such reports.

Q No such reports ever came to Colonel Takatsu or General Kawane, who both were concerned with the feeding of troops and prisoners of war?

A I do not know.

Q You were in a position to know?

A Since I was in Bataan, I have never heard any such thing.

Q Well, as head of supply and transportation and prisoners of war, under General Takatsu, would you not have heard about such matters?

A What happens in Manila is under the jurisdiction of the Military Administration Section, so the people who are in Bataan do not know about it.

Q That applies to supply and operation and everything, is that right?

A Supplies concerning the operation was handled in Bataan.

Q What steps did Homma personally take to correct shortages of food and medicine?

A As for the shortage of food, General Homma requisitioned Saigon for 100,000 tons of rice; and as for the shortages of medicine, he asked the medical section for the situation on supplies, and he requisitioned to Tokyo and Saigon for medical supplies. I heard this from the medical section.

GENERAL DONOVAN: We had that on direct examination, and it is reasonable to believe that he will give the same answer he gave on direct examination. We went through all the whole chain, medical and so on.

Q (By Colonel Meek) Do you know whether the Philippine Red Cross was refused permission to either give medicine or food to the prisoners of war camp at O'Donnell or at internment camps?

A I have never heard. Not only did I never hear of

such thing, but the fact remains that the medical section even asked the Red Cross for help. In carrying out this, I heard from the medical section that several hundred prisoners of war from Camp O'Donnell were sent to hospitals in Manila.

Q Did they ever ask the Philippine Red Cross for food?

A Yes, we have asked them.

Q Did you get it?

A Yes.

Q That is at Camp O'Donnell, and what other camps?

A I received a report that this is at Camp O'Donnell and Cabanatuan and all the other internment camps. At the time, our feelings were that we were almost sorry for the way the Philippine Red Cross and the various hospitals worked so hard for us.

Q This was all during General Homma's command?

A Yes.

Q How many places for the feeding of the prisoners of war did they have on the line of march from Mariveles to San Fernando?

A As I remember it, the places were in Balanga, Orani, Lubao and San Fernando. I also heard from the headquarters of the line of communications unit that there were smaller places in barrios along the way, but I do not know the details.

Q Do you know what food was provided at each of these places for prisoners of war?

GENERAL VALDES: He testified to that yesterday.

GENERAL DONOVAN: He has testified to that already.

He has testified that he had lunch over there, that they had water and rice. Isn't this the witness?

COLONEL MEEK: No, not on the march. He testified --

GENERAL DONOVAN: All right. Answer the question.

A (Through Interpreter Ogita) As I saw it, there were two methods: One was to give the prisoners the rice for them to cook themselves, and the other was to cook rice gruel and give it to them.

Q (By Colonel Meek) This march that you observed on the 15th of April, from Balanga to San Fernando, about how many prisoners of war would you say that you observed that day?

A I remember it as being around 5000.

Q As you rode along that road, did you observe any facilities for drinking water?

A Yes, I saw.

Q Approximately how far apart were the places for water?

GENERAL DONOVAN: We will take a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and ready to proceed.

I think there is a question to be answered. Will you read the question?

(Question read.)

A (Through Interpreter Ogita) I don't remember the distance, but in each area along the road there was a drink-

ing place.

Q Did you observe any prisoners of war drinking at those places?

A Yes, I saw them.

Q Under guard?

A Yes.

Q These five dead that you observed, where were they?

A They were between Balanga and San Fernando, but I don't remember the place at the present time.

Q Were they all in a group or scattered out?

A They were scattered out.

Q American or Filipino?

A I don't remember very clearly, but half of them were American and half were Filipinos.

Q Were they recently dead?

A When I observed them it seemed as though some time had passed since they were dead.

Q In observing did you examine or inquire as to the cause of death?

A On one of the bodies I got off of the automobile and looked at the body closely. On the other bodies I passed by them slowly.

Q The one you observed, was that an American or a Filipino?

A Filipino.

Q Did you observe to see if he had any gunshot or bayonet or stab wounds in him?

A No, there were none.

Q Did you make any inquiry of anyone as to the cause of the death of the other four that you saw?

A No, I did not ask anyone. Just a moment. Around the 16th of April, Colonel Takatsu ordered the staff of the line of communication unit to inspect the dead closely and bury them. As a result of this order, around the 20th of April the report came in that the men who died along the road between Balanga and San Fernando died because of sickness.

Q Did that report state how many they had buried along the road?

A Yes.

Q How many?

A They reported that there were approximately 18 bodies between the 11th to the 18th.

COLONEL MEEK: Will you read that, please?

(Record read.)

Q (By Colonel Meek) There were never any other further reports at the conclusion of the Death March? Strike the word "Death." Was there ever a report at the conclusion of the march as to the total number?

A The figure I just stated was between the 11th and the 18th, and I heard that after that there were two more. The march of the prisoners generally ended around the 18th. After that very few number of prisoners marched.

Q I am still talking about your trip on the 15th of April, when you went to O'Donnell. What part of Camp O'Donnell did you inspect, the American or Filipino?

A I inspected both places.

Q The prisoner of war that you talked to, was that an American or Filipino?

A Both.

Q What language did you use?

A In English.

Q Do you speak English?

A No.

Q How many prisoners of war did you talk to at that time?

A I remember speaking to about three prisoners.

Q How many were American and how many were Filipino?

A Two Filipinos and one American.

Q How long were you in the American part of the camp?

A About five minutes.

Q How long were you in the Filipino part of the camp?

A About ten minutes.

Q While you were there did you see any prisoners of war come into the camp?

A No. Do you mean between the camp and the gate?

Q Coming into the camp, yes.

A No, I didn't see them coming in.

Q On this five minute visit in the American part of the camp did you look at the hospital?

A Yes.

Q What else did you look at in that period of time?

A I looked at the water facilities.

GENERAL DONOVAN: We have all of that, Colonel Meek. He testified to all of that yesterday.

COLONEL MEEK: He didn't say anything about the hospital.

GENERAL DONOVAN: He testified to the general condi-

ditions up there. The principal question you brought out is the period of time he remained up there.

Q (By Colonel Meek) Did you talk to any American or Filipino officers on this visit?

A As I remember it, judging from the clothing of the American and his appearance, I think he was an officer. As for the Filipinos, I think they were either non-coms or soldiers, plain soldiers.

Q As I recall your testimony yesterday, you stated you talked to one prisoner of war. What did the American prisoner of war tell you as to conditions in O'Donnell?

A He said that water supply was insufficient, the quality of the food was poor.

GENERAL DONOVAN: That was also testified to yesterday. We don't desire any more information from this witness on Camp O'Donnell. The Commission doesn't.

Q (By Colonel Meek) Now, this inspection that you made on the 15th of May, did you go because you were ordered to go by Colonel Takatsu in response to a report of the high death rate at O'Donnell?

A I don't know exactly what you mean, but Colonel Takatsu told me to go.

Q Had you been receiving reports of the high death rate at O'Donnell?

A Yes.

Q What was the death rate?

A I heard that at the worst the death rate was about 200 per day.

Q Does that include Americans and Filipinos?

A Yes, it does.

Q On this inspection on the 15th of May --

GENERAL DONOVAN: I indicated just now that we did not want any more testimony on O'Donnell. Will you please leave that subject?

COLONEL MEEK: This has to do with the 15th of May. This is another inspection he made.

GENERAL DONOVAN: How many more questions do you have on O'Donnell?

COLONEL MEEK: Three or four. This has to do with an inspection a month later, a month later than the first one.

What was the last question?

INTERPRETER OGITA: The question wasn't finished.

Q (By Colonel Meek) How long were you there on this inspection on the 15th of May?

A (Through Interpreter Ogita) About 50 minutes.

Q 5-0?

A Yes, 5-0; close to one hour.

Q Did you inspect the American and Filipino portions of Camp O'Donnell at that time?

A Yes.

Q Were you in the hospital on the American side of O'Donnell at that time?

A Yes.

Q What was the condition generally?

A I thought it was not good.

Q Do you recall what the death rate of the Americans was in that camp on the 15th of May?

A In Camp O'Donnell?

Q Yes, in Camp O'Donnell.

A I don't remember.

Q What was the death rate of the Filipinos on the 15th of May?

GENERAL DONOVAN: Just eliminate that question and go to the next one.

Q (By Colonel Meek) Did your immediate superior, Colonel Takatsu, ever make any inspections of Camp O'Donnell?

A I don't remember clearly, but I think he went about three times.

Q You never went with him at any time?

A No.

Q Now, you stated that the hospital at Baguio was moved to O'Donnell. As a matter of fact, was that hospital moved prior to July 1st, 1942?

GENERAL DONOVAN: Let's get that question again.

(Question read.)

GENERAL DONOVAN: You mean Little Baguio?

COLONEL MEEK: Little Baguio, yes.

GENERAL DONOVAN: What was that question again?

(Question read.)

THE WITNESS: (Through Interpreter Ogita) As I remember it, they gradually started moving from the end of May, and they completed the moving by the beginning of June.

Q (By Colonel Meek) Was not the hospital from Little Baguio moved first to Bilibid Prison?

A (Through Interpreter Ogita) That isn't the case.

Q When was the first prisoners of war placed in

Q Yes, in Camp O'Donnell.

A I don't remember.

Q What was the death rate of the Filipinos on the 15th of May?

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GENERAL DONOVAN: Let's get that question again.

(Question read.)

GENERAL DONOVAN: You mean Little Baguio?

COLONEL MEEK: Little Baguio, yes.

GENERAL DONOVAN: What was that question again?

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Q (By Colonel Meek) Was not the hospital from Little Baguio moved first to Bilibid Prison?

A (Through Interpreter Ogita) That isn't the case.

Q When was the first prisoners of war placed in

Cabanatuan?

A I remember it as being during the beginning of May.

Q Now, do you refer to the town of Cabanatuan or Camps 1, 2 or 3?

A The prison camp site.

Q Which one, 1, 2 or 3?

A I don't remember clearly.

Q Did you ever hear of or did you ever see any reports of executions of prisoners of war at either O'Donnell or Cabanatuan during the time General Homma was in command?

A No.

Q Had such occurred would reports of them come through your office as being in charge of prisoners of war?

GENERAL DONOVAN: Let's have that question read; it does not seem very clear.

(Question read.)

COLONEL MEEK: Let's clarify that so there will be no mistake about it.

Q (By Colonel Meek) If executions occurred at Cabanatuan or O'Donnell, had they occurred, would reports thereof have come to your office?

A (Through Interpreter Ogita) Yes, it would come.

Q And there were no reports?

A No reports.

Q Yesterday you testified that you did not make an inspection of Cabanatuan, but that a report was received from an assistant staff officer. Who was that assistant staff officer?

A I remember it as being Captain Suzuki.

Q Who was the staff officer over him?

A Colonel Takatsu.

Q Did you ever have a prisoner of war work detail at the Pasay Elementary School?

INTERPRETER OGITA: Will you read the question, please?

(Question read.)

THE WITNESS: (Through Interpreter Ogita) I do not know.

Q (By Colonel Meek) Was there a plan prepared for the movement of the prisoners of war from Corregidor?

A Yes.

Q Who prepared the plan?

GENERAL DONOVAN: Is he giving a lot of names of people who were mixed up in this?

INTERPRETER OGITA: No, he is not.

THE WITNESS: (Through Interpreter Ogita) The important parts were prepared by Colonel Takatsu and myself. The other parts were prepared by the maritime transport commander, the line of communication commander, commander of the Manila Defense Unit and the medical commander of the army medical section.

Q Did you observe the landing of the prisoners of war here in Manila, or the march of the prisoners of war from the place of landing to Bilibid Prison?

A Yes.

Q What were the conditions generally of the prisoners of war on that march?

A They were marching in a military manner, marching strongly.

Q Who was the staff officer over him?

A Colonel Takatsu.

Q Did you ever have a prisoner of war work detail at the Pasay Elementary School?

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(Question read.)

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A Yes.

Q What were the conditions generally of the prisoners of war on that march?

A They were marching in a military manner, marching strongly.

Q Did you observe any of them fall out of line, fall out of the line of march?

A I saw one person who fell out.

Q Was there any transportation available at that time to transport the prisoners of war from the beach where they were landed to Bilibid Prison, where they were marched?

A There were no vehicles available; there were very few.

Q Were prisoners of war considered as prisoners of war or as captives?

A I don't understand the meaning of the word "captive."

Q After the 1st of August, 1942, were prisoners of war treated any different than they were prior to that date?

CAPTAIN OTT: I will object to that. He said he left the Philippines before August 1st.

COLONEL MEEK: I think his testimony yesterday was that he left the 15th of August.

CAPTAIN OTT: I understand that I am mistaken; I will withdraw the objection.

GENERAL DONOVAN: You may answer the question. Read the question.

(Question read.)

THE WITNESS: (Through Interpreter Ogita) After August the 1st I was away from my duties, so I do not know, but my common sense tells me that there would be no difference.

Q (By Colonel Meek) Did you ever return to the Philippines after you left on or about 15 August 1942?

A No.

Q During the time that you were in the Philippine

Islands who was the supreme commander of all military forces in the Philippine Islands?

A Lieutenant General Homma -- just a minute; army or navy?

Q Army.

A The senior commander of the Japanese Army was Lieutenant General Homma.

COLONEL MEEK: No further questions.

GENERAL DONOVAN: Any questions, Captain Ott?

CAPTAIN OTT: Yes, sir.

REDIRECT EXAMINATION

Q (By Captain Ott) Except for personnel dealing with prisoners that you mentioned, was the plan for prisoners generally carried out as closely as conditions permitted?

A Where do you mean?

Q I mean generally.

A Is this a question pertaining to the plan and the execution of it?

GENERAL DONOVAN: Just a minute. Read the question.

(Question read.)

GENERAL DONOVAN: Ask him if he can answer that yes or no.

THE WITNESS: (Through Interpreter Ogita) It could not be carried out as we wanted it to be.

Q (By Captain Ott) Do you know what the quantity of foodstuffs captured on Corregidor was?

GENERAL DONOVAN: How many tons, you mean?

CAPTAIN OTT: Yes.

INTERPRETER OGITA: Will you read the question?

(Question read.)

THE WITNESS: (Through Interpreter Ogita) I do not know.

Q (By Captain Ott) Do you know whether there was looting of warehouses here in Manila prior to the time that they were sealed by the Japanese Army?

A I do not know.

Q Would the Intendance Department report to you any supplies that had been seized or requisitioned?

A They would report what the Intendance seized or requisitioned.

Q They would not report what the Military Administration seized or requisitioned, the Intendance Department would not?

A No.

Q At this conference at which it was decided to move the prisoners on foot to San Fernando, was one reason given that the railroad between Lubao and San Fernando was not usable because bridges had been blown up?

GENERAL DONOVAN: Just a minute.

COLONEL MEEK: We will object to that as being leading and not based on anything that is in the evidence.

GENERAL DONOVAN: Rephrase your question. It is a little long, anyhow, Captain Ott, and you will have to rephrase your question because it is just a little bit too leading.

Ask him what the reason was why they didn't use it.

Q (By Captain Ott) What reason was given, if you know, for not using the railroad track between Lubao and San

Fernando?

A I do not know.

GENERAL DONOVAN: For your information, I would like to say the Commission can think of a number of reasons why it was not used or why it was used. If he says he does not know, I do not see any reason for belaboring that point.

Q (By Captain Ott) In your conversation with Filipino and American prisoners at Camp O'Donnell, did you use an interpreter?

A Yes.

Q How long were you at Camp O'Donnell on April 15th?

A About 30 minutes.

Q On this movement of prisoners from Corregidor to Bilibid Prison, what were the details of that plan?

GENERAL DONOVAN: Let's find out what we want to find out. Do you want to know all the details of the plan, the movement of the hospital from where to where, and so forth?

CAPTAIN OTT: I want to find out -- well, I will rephrase that question.

GENERAL DONOVAN: I am trying to avoid too many details.

Q (By Captain Ott) What factors were considered in the movement of prisoners from Corregidor to Bilibid Prison?

A There were two plans considered. One was to transport the prisoners from Corregidor through Bataan to Cabanatuan. The other was through Corregidor to Manila to Cabanatuan.

The commanding officer of the maritime transport service did not care which plan was used. The commanding officer of the line of communication unit preferred the

Manila route. The commanding officer of the railroad unit did not especially care which one was used, but he preferred the Manila route because it was closer.

GENERAL DONOVAN: We really do not care about all that, Captain Ott. I do not know if you care about it, but whether the railroad man liked the plan or the maritime man liked the plan is beside the point.

CAPTAIN OTT: I agree with you, sir. I don't think the answer is responsive to the question.

GENERAL DONOVAN: You will have to be a little more specific.

Q (By Captain Ott) Why did the prisoners walk from Paranaque to Bilibid?

COLONEL MEEK: That was asked and answered yesterday.

GENERAL DONOVAN: For the purpose of keeping the record straight here, I am pretty sure that is referred to as Pasay Beach and not Paranaque. We are all talking about the same thing, though.

THE WITNESS: (Through Interpreter Ogita) It was the following opinion of the line of communications commander: There were not vehicles enough to transport 10,000 men to the City of Manila. Gas was insufficient, gasoline was insufficient. At that time, also, in the army headquarters, there was the following regulation: Travel of less than 24 kilometers must be carried out by foot. This applied to the Japanese Army. There was a regulation that even staff officers must not use an automobile.

GENERAL DONOVAN: All right, we got that. It was the rule that the Japanese Army even had to walk.

Tell him that we understand if it is all right with you.

CAPTAIN OTT: It is perfectly all right with me.

Q (By Captain Ott) After the surrender at Bataan, did any Japanese Army units move out of Bataan?

A After the end of the Bataan campaign?

Q Yes.

A The 65th Brigade moved from Bataan to San Fernando, Tarlac, and Baguio. The 16th Division marched to Manila, Tagaytay, and Batangas.

GENERAL DONOVAN: Do you want all the units in Bataan, each place they went?

CAPTAIN OTT: Beg pardon?

GENERAL DONOVAN: Do you want all the units that left Bataan, and where they went?

CAPTAIN OTT: I want to find out the dates.

Q (By Captain Ott) Do you know what date that division left Bataan?

INTERPRETER OGITA: The 16th?

CAPTAIN OTT: The 16th.

A (Through Interpreter Ogita) I remember that the leading unit left Balanga around the 16th of April.

Q (By Captain Ott) Did a brigade leave southern Bataan -- did a Japanese brigade --

GENERAL DONOVAN: Be a little more specific. Ask him exactly what you want to know. We have no objection to that.

Did the 13th Brigade leave Bataan and go any place? We have no objection to that.

COLONEL MEEK: The Prosecution has no objection and will admit the soldiers marched out of there.

CAPTAIN OTT: Yes.

COLONEL MEEK: If that is what you want, ask him that;

we will admit it.

Q (By Captain Ott) Did the 65th Brigade march out of Bataan?

A (Through Interpreter Ogita) Yes.

Q Where did it march to?

A Baguio.

Q At what time?

A I remember that the leading unit left Balanga around the 14th.

CAPTAIN OTT: That is all I have.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Nothing.

GENERAL DONOVAN: General Trudeau?

Before General Trudeau starts, I would like to say this, in connection with the witnesses: We have talked to both Prosecution and Defense on the outside, in connection with trying to expedite the questioning of witnesses. I want to now put this into the record:

Everybody realizes the difficulty of interpretation, from the standpoint of cross-questioning witnesses. It makes it doubly important that you select your questions with a great deal of care. You just cannot go on and ask a lot of miscellaneous questions; they have got to be carefully selected.

I say all this because the Commission does not desire to limit you from the standpoint of time, and we won't do it unless we have to, but there comes a time when we will probably have to do something about it if we cannot get on to a more orderly procedure from the standpoint of finding

out some of the things we want to. Specifically, when the witness testifies one day to a certain thing, and you come back -- the Prosecution or Defense, either one; both have done it -- and ask exactly the same question over again, and each question is a matter of 10 or 15 minutes' time.

I just want you, the chiefs of the Defense and the Prosecution, to get your staffs together and get this thing straightened out. Try to expedite it from the standpoint of procedure.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) How old are you?

A (Through Interpreter Ogita) Forty years old.

Q Were you a member of the regular Army?

A No.

Q What is your profession in civilian life?

A At the present time?

Q In civilian life, when you were a civilian, before the war.

A Soldier.

Q Enlisted man?

A Officer.

GENERAL TRUDEAU: He says he is not in the regular Army. Put this question, please: If he was a reserve officer on active duty, which he probably was for a long time -- if he was a reserve officer, what civilian profession had he practiced before going on active duty?

THE WITNESS (through Interpreter Ogita): I was a soldier since I was young, so I have no other profession.

Q (By General Trudeau) What training or experience did

you have that caused the Japanese Government to trust you in preparing the plan for the military government of the Philippines?

A (Through Interpreter Ogita) I participated in the planning because General Homma had confidence in me.

Q Did General Hayashi participate in the planning?

A He saw the plans.

Q Did he participate in the planning?

A He saw the plan after it was made.

Q Why did you prefer to use Filipinos who were pro-American, rather than those who were pro-Japanese?

A I did not use them. General Homma did.

Q Do you know why he preferred to use pro-Americans?

A At that time, I didn't know much about the higher personnel matters, but in my opinion I think that was the basic policy of General Homma.

Q Isn't what you called a "plan" the Hito Toji Yoko, really a policy to maintain the status quo within the Philippines?

A Yes.

Q Where did General Morimoto fit into General Homma's organization?

A He was directly under the command of General Homma, with the title "Commandant of Prisoner of War Camps in the Philippines."

Q On your organization charts, these camps are shown as being under Major General Kawane. Was Major General Kawane under General Morimoto?

A I have to explain that, because it is quite difficult.

GENERAL TRUDEAU: Well, if it isn't too long, let him explain it. Tell him to explain it briefly.

THE WITNESS (through Interpreter Ogita): Until Morimoto came, each P.W. camp was under Kawane. After Morimoto came, just the American prisoners of war was to be under Morimoto, and Morimoto was directly responsible to Homma. Consequently, there was no relationship between Morimoto and Kawane.

Q (By General Trudeau) What was the Army policy as to the number of days of ration supply to be maintained?

MAJOR PRATT: Is that in reserve, sir?

GENERAL TRUDEAU: That is right; the level of supply.

A (Through Interpreter Ogita) Stock?

Q (By General Trudeau) Stock level.

A Foodstuffs?

Q Yes.

A It was the desire to have three months' supply in stock, but actually less than half a month's supply was in stock. This was for the Japanese Army.

Q After the fall of Corregidor, more than one-half of the Japanese troops were shipped out of Luzon. Didn't this release more rations that could be used for prisoners and your own troops?

A The supply situation became better.

Q Did you retain all medical units after the fall of Corregidor?

A Do you mean the hospital, or the medical --

Q Hospital units; line of communications and field hospitals.

A Sanitation?

Q Line of communications and field hospitals.

A Until July, all the hospital units were on Luzon, but sometime in July there was a change.

Q With the departure of half your troops after the fall of Corregidor, couldn't more hospital facilities be made available to the prisoners of war?

A At the end of May there were a total of 50,000 Japanese patients suffering from malaria, but from the end of June medicines were being given to the prisoners.

Q Did you confer with Colonel Tsuji of the Imperial General Staff when he visited Luzon about the middle of April, 1942?

A I did not speak to him.

Q (By General Gard) When you last left Japan was General Hayashi alive?

Tell him to answer yes or no.

A I do not know.

Q (By General Valdes) In preparing the plan for the evacuation of the prisoners of war by road, did you take into consideration the distances that men who were exhausted and sick can march?

A Yes.

Q At what intervals did you prepare resting areas?

A The line of communications took care of this matter, and according to their report they prepared resting places between two and three kilometers.

Q When you were on the road during the march did you check on the toilet facilities for the prisoners of war?

A I did not see it.

Q How many hospitals did the 14th Army have in Bataan?

A I remember that there were two line of communications hospitals.

Q Were any American or Filipino prisoners of war treated in the Japanese hospitals?

A Yes, they received treatments in the hospitals.

Q Do you know how the sick and wounded from the Hospitals No. 1 and No. 2 in Bataan were transferred?

A I received a report that after the end of the Bataan operation, the patients who were well were successively transferred to Bilibid, Cabanatuan, and Camp O'Donnell.

GENERAL DONOVAN: The witness is excused.

CAPTAIN OTT: May I ask the witness one or two questions?

GENERAL DONOVAN: How many?

CAPTAIN OTT: Two.

GENERAL DONOVAN: Along what line, please?

CAPTAIN OTT: One, how soon after General Morimoto arrived did General Homma leave.

GENERAL DONOVAN: Ask that question. Ask the date that General Morimoto arrived in the Philippine Islands.

THE WITNESS (through Interpreter Ogita): The middle of July.

GENERAL DONOVAN: Now you want to ask the date General Homma left?

CAPTAIN OTT: No; I know that date. Now I want to ask this question: As a matter of practice, would General Morimoto report to the chief of staff?

THE WITNESS (through Interpreter Ogita): Yes.

CAPTAIN OTT: That is all.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Nothing, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: We will recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 1 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

ICHIOKU OKUBO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified through Major Pratt, Second Lieutenant Onodera and Sergeant Ogita as follows:

DIRECT EXAMINATION

LIEUTENANT PELZ: If it please the Commission, this witness does speak some English. I have talked it over with him, and with the permission of the Commission if we can translate the questions I think he can testify in English, and it should save a good deal of time.

GENERAL DONOVAN: Let's try it out.

Q (By Lieutenant Pelz) Will you state your name?

A (In English) Ichioku Okubo.

Q Are you at present in the Japanese Imperial Army?

A (Through Interpreter Onodera) I am a member of the reserve.

LIEUTENANT PELZ: If it please the Commission, we won't require the translation of the answers. I don't think the interpreter understood that.

Q (By Lieutenant Pelz) Did you land in the Philippine Islands with General Homma?

GENERAL DONOVAN: Tell him he can answer in English

if he wishes.

A (In English) Yes.

Q (By Lieutenant Pelz) What were your duties in the 14th Army?

A Chief of ordnance department.

Q What were your duties and the functions of your department?

A There are two depot, one ordnance depot and the other automobile depot.

LIEUTENANT PELZ: If it please the Commission, ammunition and automobile.

COLONEL MEEK: May I have that question and answer read.

(Record read.)

GENERAL DONOVAN: Ask the question in Japanese and get the answer in Japanese and we will go from there. Just translate all of it.

Q (By Lieutenant Pelz) What was the relationship of your department to Major General Kawane's section?

A (Through Interpreter Onodera) We supplied Major General Kawane's department with automobiles and auto fuels.

Q When you say automobiles, do you mean all kinds of motor vehicles?

A Yes.

Q Do you have figures as to the number of trucks available in the Japanese Army at the time of the surrender of Bataan?

A About 300 vehicles.

Q Does that include organic transportation belonging to the various units?

A Some of them were part of the organic equipment; the others, most of it belonged to the automobile section, automobile unit.

Q Do you mean to General Kawane's section?

A Yes.

Q How many of the trucks in the Japanese Army at this time were in operating condition?

A 60 to 70 per cent.

Q What was the cause of the failure of the 30 to 40 per cent?

A Some were out of commission, others were being repaired, and others were damaged.

Q What were the needs of the Japanese Army for those trucks which were in operating condition?

INTERPRETER ONODERA: What was that question?

LIEUTENANT PELZ: Read back the question.

(Question read.)

A (Through Interpreter Onodera) They were divided into 10 automobile companies and were used for the transportation of rations, ammunitions, weapons and other military supplies.

Q Are you giving figures that relate to the time of the surrender of Bataan?

A Yes.

Q Where did your supply lines run?

A From Lingayen through Tarlac up to the front line of Bataan.

Q Was there not a railroad from Lingayen to San Fernando which could be used?

A Yes, there was a railroad. However, the damage was quite great and the transportation passing was very small.

Q What was the system employed for the transportation of necessary supplies?

A It was under the command of Major General Kawane, and I do not know the details of it.

Q Were the supplies divided into certain classes of materials?

A Because it was not under my direct command I do not know the details, but I understand it to be so. That is the way it is divided, into classes.

Q Were arms and ammunitions transported to the front every day?

A Yes.

Q In your opinion did the Japanese Army have transportation available to transport prisoners of war from Bataan to San Fernando?

A I do not think so.

Q At the conclusion of the Bataan campaign was there transportation available which had been used to transport materiel of war?

INTERPRETER ONODERA: Do you mean transportation --

LIEUTENANT PELZ: Strike that question.

Q (By Lieutenant Pelz) At the conclusion of the Bataan campaign did you have transportation available which had previously been used for the transportation of arms and ammunitions?

A No, it was not available. All the cars were overloaded to use for the next operation, the Corregidor operation.

Q How many motor vehicles were captured from the surrendering American forces?

A As far as my section knows, there were none.

Q Did you have occasion to examine those motor vehicles which the American and Filipino forces left behind them?

A Not immediately after the surrender.

Q When did you examine them?

A I saw the cars when they were gathered to the rear in the vicinity of Balanga. These were the ones that could be moved. The others which could not be moved or used were abandoned on the field.

Q How many vehicles were there that were usable at the time of the surrender of Bataan?

A As far as I remember, there were very few.

Q How many of the vehicles left by the American and Filipino forces could be repaired and later used?

A I don't remember what percentage it is, but as far as I remember about 200 cars were put into usable condition after about one or two months.

Q How many Japanese trucks would have been required to transport 70,000 prisoners of war?

A If one car will carry 40 men -- if one car were to carry 40 passengers it would take 300 cars, the total number of cars then in the Japanese Army, and it would take five or six days. That is the way I understood it to be, the estimate.

Q Were any trucks used to your knowledge for the trans-

portation of sick and wounded prisoners of war?

A I think that 15 or 16 cars were used temporarily for that work.

Q Did you yourself observe the march of the prisoners to San Fernando?

A Yes, I did.

Q Where did you see it?

A Between Balanga and San Fernando.

Q Were you on official inspection tour of the march?

A No, I was not on an official inspection trip. I was there in line of my duty.

Q Did you see any of the prisoners being given rest periods?

A I saw them resting.

Q Did you see any of the guards beating or maltreating the prisoners of war?

A Absolutely not.

Q Did you see any dead bodies along the road?

A No.

Q Did you observe whether the prisoners seemed in better or worse condition at San Fernando or at Balanga?

A My personal observation is that when they were in Balanga they seemed considerably exhausted, but as they approached San Fernando they seemed to have improved a little.

Q How do you explain that?

A First, because the prisoners of war had begun their march right after the long battle at Bataan, and also because while they were marching and as they were nearing San Fernando at various places they were given drinking water and also billetted several times on the way, and I imagine that they gradually regained their health -- strength instead of health.

Q What kind of a vehicle were you riding in when you saw these prisoners?

A It was a car that belonged to Army Headquarters, and it was a similar model to that used by the Army commander. Although the passengers would differ from time to time, usually there were three or four of us, and it had a yellow flag at the head of the car.

Q Did all the cars bearing generals have yellow flags?

A Yes.

Q Did you see the prisoners of war captured on Corregidor when they marched on Dewey Boulevard?

A I had a glimpse of it.

Q Where were you when you saw them?

A At the top of the Army Headquarters, the fifth floor.

Q Had you heard previously that they were going to march on that day?

A I had no previous knowledge of it.

Q To your knowledge was any announcement made that this march would take place?

A No, I don't know about that.

Q Did you see any guards mistreat any of the prisoners?

A No.

Q What was the situation with regard to the amount of artillery shells on hand on May 6, 1942?

A I don't remember exactly, but I remember that there were very few left.

Q Were you notified about the landing that was to take place on the night of May 6th?

A I was notified previously of the landing which was to

take place. I think that you mean plan of attack. Yes, I was notified.

Q How much artillery ammunition was drawn for this attack?

A Do you mean the ammunition drawn for the whole attack which started on the 5th? I understood your question to be on the 6th. I would like you to make it clear.

Q I will amend my question to include both the 5th and the 6th.

A I don't know the exact number or detailed number of it, but I think it was 60,000 rounds, or 1,500 tons.

LIEUTENANT PELZ: I have nothing further from this witness.

GENERAL DONOVAN: Before you sit down, I would like to get one thing straightened out. He spoke several times of cars and trucks and automobiles. He spoke once or twice about cars, and I am sure he was talking about trucks.

LIEUTENANT PELZ: I intended to bring that out.

GENERAL DONOVAN: I would like to find out something about this number, this 300 number. Find out if that is 300 trucks. Didn't he mention the number of 300 trucks that were available to this force over here at the opening of the campaign? Ask him how many trucks they had.

Q (By Lieutenant Pelz) How many motor trucks were available in the Japanese Army, both operating and non-operating, at the time of the surrender of Bataan?

A You mean only at the time of the fall of Bataan?

Q Yes; how many were there at that time?

A Those 300 were all trucks. They were used --

GENERAL DONOVAN: That is all right; that is enough.

LIEUTENANT PELZ: Nothing further, sir.

CROSS EXAMINATION

Q (By Colonel Meek) How many trucks were brought from Formosa to the Philippine Islands on the invasion?

A I think it was about 750 trucks.

Q Trucks?

A Yes.

Q Then 450 of your trucks had been destroyed by the time of the conclusion, or at the surrender on Bataan?

A Roughly it is so, but I will tell you in detail, if you wish to know.

Q I don't care for any detail.

GENERAL DONOVAN: That is enough.

Q (By Colonel Meek) Now, after the surrender on Bataan, you were engaged in hauling ammunition down to Cabcaben into the gun positions. Where was your ammunition dump that you were hauling from?

A May I point it out on the map?

Q Yes, you can use the map.

A The ammunition dump for the Army artillery was at Dinalupihan.

Q When your trucks had unloaded the ammunition down at the gun positions did they return empty?

A It was under the command of the Army artillery commander, and I do not know the actual situation.

Q Do you know whether they did return empty?

A I presume that unless they returned empty they could not make it on time.

Q How about the trucks hauling food?

A I think that these cars returned -- I think in order to prepare for the next operation, because this was at the end of the Bataan campaign, there were many transient units, and also it was necessary to change or exchange military supplies for the next operation.

I imagine that these trucks were used to transport these troops and supplies.

GENERAL DONOVAN: Colonel Meek, let's get his status straightened out, because I do not believe he had anything to do with those trucks.

COLONEL MEEK: I wondered if he did have anything to do with that.

GENERAL DONOVAN: He has turned them over to the 14th Army, and he is an ordnance officer.

Q (By Colonel Meek) Did you have anything to do with these trucks after you turned them over to the 14th Army?

LIEUTENANT PELZ: Not the 14th Army, but Major General Kawane's unit.

GENERAL DONOVAN: I mean he turned them over.

Q (By Colonel Meek) Did you have anything to do with these trucks after you turned them over to the artillery command of the 14th Army?

GENERAL DONOVAN: That is right.

A (Through Interpreter Onodera) No.

Q (By Colonel Meek) Could any of the vehicles captured on Bataan have been turned over to any other organization in the 14th Army without your knowledge?

A I think there might have been a few cases of that,

because it might have been done by the front line troops.

Q When did you see the prisoners of war on the march, what was the date?

A I think it was on the 12th and the 14th.

Q How long were you ordnance officer in charge of vehicles here in the Philippines?

A You mean the period that the auto depot was under my command, is that right?

Q Yes.

A From the time of the landing to the end of October, 1942.

Q General Homma left here on the 5th of August. What do you know about the shipment out of the Philippine Islands of captured vehicles prior to General Homma's departure?

A At the earlier period, when the 48th Division moved out, I think there were some vehicles taken out with them. About the rest, I don't think there were very many.

LIEUTENANT PELZ: Will you read the answer, please?

GENERAL DONOVAN: Read the answer.

(Answer read.)

COLONEL MEEK: What was your objection?

LIEUTENANT PELZ: I didn't make an objection.

GENERAL DONOVAN: There wasn't any objection; he just wanted the answer read back.

COLONEL MEEK: I have no further questions.

LIEUTENANT PELZ: No redirect examination.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Do you know General Hayashi?

A Yes, I do.

Q Where is he?

A I don't know.

Q When is the last time that you saw him?

A I don't remember.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

CAPTAIN CALYER: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

LIEUTENANT PELZ: Sir, may I request that the previous witness be recalled for one or two questions?

ICHIOKU OKUBO

recalled as a witness on behalf of the Defense, having been first duly sworn, was examined and testified further as follows through Interpreters Major Pratt, Lieutenant Onodera and Sergeant Ogita:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) You testified that trucks were turned over to the artillery commander. Did you mean that certain trucks were used exclusively for the transportation of arms and ammunition?

CAPTAIN CALYER: Sir, I wish to object to that question as leading. I think this witness is competent to testify to what purpose they were used.

GENERAL DONOVAN: The objection is not sustained.

Have him answer the question.

A (Through Interpreter Ogita) The trucks that were handed over to the artillery commander were very few. Natually, the artillery commander must have used them for hauling ammunitions and weapons. The 300 trucks that I mentioned previously are the ones that were used for general purposes.

GENERAL DONOVAN: We understand that.

LIEUTENANT PELZ: I don't think -- well, all right, sir.

GENERAL DONOVAN: You go ahead and ask any question that you would, but I would like to bring out this point right now, because we have several witnesses who have come up here who have very definite staff jobs which indicate certain definite responsibilities. I am convinced that this witness didn't run all those trucks; that is the point to make. He was a staff officer. Maybe different people might have had these trucks all the way down the line, different units.

LIEUTENANT PELZ: I will ask one more question.

Q (By Lieutenant Pelz) Do you know the general plan for the use of these 300 trucks?

A (Through Interpreter Ogita) I am not directly concerned with them, but I know the general use of those trucks.

Q Will you explain the general use?

A Originally, these 300 trucks which were used was just about 30 per cent, or one-third of the trucks required for the Japanese operation in the Philippines. Therefore, in order to transport food, rations, ammunition and ordnance material, it was necessary for these trucks to haul rations on one day, weapons on the other, and ordnance materiel on another day. In other words, these 300 trucks had to do the work of 900 trucks.

Q Do you have any information concerning the whereabouts of Major General Hayashi?

A I answered, "I don't know," a little while ago, because it is very inaccurate.

Q Will you tell us what information you have?

GENERAL DONOVAN: Just a minute. What was that last

answer?

(Answer read.)

GENERAL DONOVAN: What is inaccurate?

LIEUTENANT PELZ: In other words, he meant it is hearsay. That is why, when you asked "did he know," he doesn't know; but as a matter of fact, he has information.

GENERAL DONOVAN: All right.

Q (By Lieutenant Pelz) Will you give us that information?

A (Through Interpreter Ogita) According to rumors, he is in the Burma area.

LIEUTENANT PELZ: I have nothing further, sir.

GENERAL DONOVAN: Do you have anything?

CAPTAIN CALYER: No questions, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

(An affidavit was marked Defense Exhibit D for identification.)

LIEUTENANT PELZ: I now offer in evidence as Defense Exhibit D, an affidavit.

CAPTAIN CALYER: Whose affidavit, please?

LIEUTENANT PELZ: If it please the Commission, at this time I request that the Defense be not forced to divulge the name of the affiant in open court, in order to save embarrassment to the person making the affidavit. I have no objection, of course, to it appearing in the record, but I see no saving of anything to give his name in open court.

GENERAL DONOVAN: What nationality is he?

LIEUTENANT PELZ: The person is Filipino, sir.

CAPTAIN CALYER: May I be heard on that, sir? I don't want to embarrass anyone, but there are two affidavits that have been presented to the Prosecution. We have no means of knowing which one he is talking about, unless we know the name of it.

GENERAL DONOVAN: Just a minute. Let us take these up later.

LIEUTENANT PELZ: All right, sir. The only reason I took these up now is because they are with reference to this testimony.

GENERAL DONOVAN: That is all right. We will take this up later.

Let us get to the other witness.

LIEUTENANT PELZ: All right, sir.

HISAMICHI KANO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Nataupsky) Please state your name?

A Hisamichi Kano.

Q Your age and nationality?

A I am 34 years of age. I am a Japanese subject.

Q What is your present occupation in Japan?

A I am now employed by the Civilian Information and Education Detachment, Supreme Command, Allied Powers, in Tokyo.

Q When did you join the Japanese Army?

A That was back in 1939.

Q What occupation were you in before you went into the army?

A I was employed by the Kokusai Bunka Shinkokai. That is the Society for the Development of International Cultural Relations.

Q Where were you educated?

A My elementary education was received in the United States and Britain, and my later education was received in Japan.

Q Did you ever attend any university in Japan?

A I did, the Kyoto Imperial University.

Q When you first entered the Japanese Army, what occupation did you hold?

A I was just a private.

Q Did you later become an officer?

A I did. I received my commission in November 1940.

Q Were you ever assigned to the 14th Army?

A I was.

Q When was that assignment effective?

A November 1941.

Q Where was the headquarters of the 14th Army at that time?

A It was located at Taihoku, in Formosa.

Q Who was the commanding general of the 14th Army?

A General Masaharu Homma.

Q While you were in Formosa in November of 1941, did General Homma issue any instructions concerning the behavior and discipline of the Japanese troops in any occupation that they may take part in?

A He did. As far as I can recall, we were instructed to respect the customs and traditions of the people in the

occupied areas. We were also to respect their religion. The Japanese troops were instructed to behave with the strictest discipline, and they were to refrain from burning, pillaging, or rape. Also, towns and habitations were to be spared from as much destruction as possible.

Q Do you know if General Homma had a meeting of all unit commanders, in order to convey this message to them, in Formosa?

A I believe he did.

Q Were you present at any one of those meetings?

A As a junior officer, I wasn't.

Q When you were first assigned to the 14th Army, what position did you hold?

A I was a member of the propaganda corps of that headquarters.

Q What later positions and duties did you have with the propaganda section?

A At first, I was assigned to the care of the newspaper correspondents that were attached to the 14th Army. Later, I was on temporary duty, charged with unloading supplies from the ship at Lingayen Bay. Later I passed on to Manila, and was assigned to procuring and requisitioning materials required in propaganda work. After that I was sent to Bataan, and after a short illness there I returned to Manila and was placed in charge of the broadcasting station.

Q What was the function of the propaganda section in the 14th Army?

A Generally speaking, the main functions were: First,

to wage propaganda warfare on the enemy; and secondly, to disseminate information to the civil population; and thirdly, to send back reports on the army's activities to Japan.

Q When did the propaganda section set up their headquarters in Manila, if they ever did?

A I believe it was around the 6th of January, 1942.

Q Were there any other army headquarters in Manila at that time?

A I believe that the Military Administration had set up its office in Manila at that time.

Q Were there many troops in the initial occupation of Manila?

A There were very few troops.

Q Do you know of any looting going on in Manila, at the initial occupation?

A I heard about this later, but many stories were told to me, both by Japanese residents and Filipinos, that after the evacuation of the city by General MacArthur's forces, there was a great deal of looting done by Filipinos.

Q What was done to prevent and stop this looting?

A I heard from the former chief of the Philippine Constabulary that he did his best to prevent this looting, but as he was unarmed and his men were also unarmed, they could not do much; and as soon as the Japanese forces entered, these forces took up positions along the road and before warehouses, and this looting was prevented.

Q Did they seal these warehouses because of that?

A I believe it was done for that purpose.

Q Were you in Bataan at the time of the surrender?

A Yes, I was there.

Q Did you see any prisoners of war in Bataan?

A I did.

Q Did you see any Japanese soldiers mistreat the prisoners while you were in Bataan?

A I did not see any cases of mistreatment.

Q Did you ever hear or receive any complaints concerning the happenings that took place on the march of the prisoners from Bataan to San Fernando?

A I heard stories about this march long afterwards, probably at the end of 1942 or the beginning of 1943, from released Filipino prisoners of war.

Q Was that the first time you ever heard of any complaint concerning the march?

A Regarding the march proper, that was the first time I had heard complaints.

Q While you were in the Philippines, were you ever taken ill?

A I was taken ill of dysentery in Bataan. That was in January.

Q Were you hospitalized?

A I was.

Q How long did it take to cure this illness?

A Roughly, one month.

Q Was the treatment you received in the hospital complete?

A It was far from complete.

Q What was the reason for that?

A It was lack of food, and there was hardly no medicine at all.

Q Do you know how many men there were in the hospital at that time?

A In the isolation hospital, where I was taken in, there were roughly 500 men, mostly down with dysentery.

Q And how many doctors were there assigned to that hospital?

A I believe the actual number was four.

Q Were these Japanese doctors?

A They were Japanese.

Q Did they have any American or Filipino doctors?

A No American doctors or Filipino doctors.

Q While you were in the Philippines were you ever issued any atabrine or quinine?

A I was never issued those drugs while I was in the Philippines. I did receive a few tablets on the ship, on the way to the Philippines.

Q Was that the only time you ever received atabrine or quinine?

A That was the only time.

Q Did you ever receive any complaints from civilians that they were being mistreated in Manila?

A What do you mean by "mistreated"?

Q Well, bowing to the sentries; did you ever receive any complaints concerning that?

A Oh, yes, I had complaints about that.

Q When did you receive those complaints?

A That was very early in the occupation. I heard complaints as soon as I had returned from the hospital in Bataan, and many Filipinos were complaining that the

Japanese sentries were forcing people who passed in front of them to bow. Also, they couldn't pass with lighted cigarettes in their hands. There were complaints about slapping of petty offenders in public, and things like that.

Q What was done about that?

A Personally, I took this up with my section chief, and also I spoke to all superior officers I came in contact with, and told them that such conduct must be stopped.

Q Was such conduct stopped?

A I am afraid it took a long time for the Japanese troops to become really educated.

Q Did you ever hear of any atrocities or complaints concerning Fort Santiago?

A I didn't.

Q Did you hear any complaints from any prisoner of war camps?

A I didn't hear any complaints.

LIEUTENANT NATAUPSKY: No further questions.

CROSS EXAMINATION

Q (By Captain Calyer) When you were in Formosa, who instructed you about the treatment of civilians and prisoners of war?

A Our section chief had not yet arrived at that time, and the next senior officer undertook to instruct us.

Q Was that instruction given to all units?

A I believe it was.

Q When you came to the Philippines, where were you first located?

A That was at Bauang.

Q When did you arrive in Bataan?

A On the 13th of January, 1942.

Q From Bauang?

A No, sir; from Manila.

Q When had you reached Manila?

A It was either on the 2nd or the 3rd of January, 1942.

Q Who told you about the looting?

A That was later. I had many Filipinos under me when I was operating the broadcasting station.

Q How much later?

A Two months later.

Q That would be in March?

A March.

Q When you came to Manila in January, how many Japanese troops were there in the city?

A I wouldn't be in a position to give a good estimate. However, there were sentries posted at the main intersections.

Q Where were these warehouses before which sentries were later posted?

A In the port area, and along the business -- in the business section.

Q On what streets in the business section?

A I believe along Ancarraga, and also Escolta.

Q Were there no Japanese guards there in the early part of January?

A I believe all the main buildings were guarded.

Q When did Japanese guards take positions before the other buildings?

A Which buildings are you referring to?

Q When did you arrive in Bataan?

A On the 13th of January, 1942.

Q From Bauan?

A No, sir; from Manila.

Q When had you reached Manila?

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A I believe all the main buildings were guarded.

Q When did Japanese guards take positions before the other buildings?

A Which buildings are you referring to?

Q The warehouses that you mentioned?

A In the port area?

Q Yes.

A They were probably posted as soon as the guards appeared on the streets.

Q Do you know when that was?

A That would be immediately after troops were permitted to enter Manila.

Q Do you know when that was?

A January 2.

Q What do you know about the sealing of warehouses?

A That was done by a squad of military police.

Q Did you see it done?

A I saw the buildings after they had been sealed.

Q Do you know what orders were issued for sealing the buildings?

A I did not see the orders.

Q Then you don't know why they were sealed, is that correct?

LIEUTENANT NATAUPSKY: I object, sir. He testified to that before, on direct examination.

CAPTAIN CALYER: If the Commission please, if I recall his testimony, he said he thought perhaps that is why they were sealed.

GENERAL DONOVAN: He may answer the question.

A That was to prevent looting on the part of the Filipinos and of Japanese troops.

Q How do you know that?

A I heard that from other quarters.

Q From what quarters?

A I believe it was from my own superior officer.

Q You are not sure?

A I am not sure.

Q Do you know when you heard that?

A As soon as I entered Manila.

Q On the 2nd of January?

A On the 2nd or 3rd.

Q Who was your superior officer?

A Lieutenant Colonel Katsuya.

Q You spoke about the Philippine Constabulary and mentioned the former head. Who was that?

A I cannot recall his name, sir. I think it was the Chief of the Manila Police.

Q You don't know his name?

A I cannot recall it just now.

Q What did he tell you?

A He told me that he experienced a great deal of trouble between the time United States forces left Manila and Japanese entered.

Q How long were you on Bataan?

A Just about 24 days.

Q How much of that time were you in the hospital?

A I was in the hospital for a week, in Dinalupihan; for about 18 days, in San Fernando. That was after I left Bataan.

Q When was that?

A I left Bataan before -- on January 31st.

Q 1942?

A 1942.

Q Who were the people who complained to you about being forced to bow?

A We had many Filipino employees in the broadcasting station, and these people talked to me about these things.

Q When was that broadcasting station established?

A I believe it was around January 13th or 15th.

Q 1942?

A 1942.

Q When did you start to work there?

A It was toward the end of February, 1942.

Q Was it part of the function of your office to receive complaints from the civilian population?

A It was not.

Q Was it part of your function to inform superior Japanese officers about complaints made by the civilian population?

A It was not part of my function, but I felt it my duty to do so.

Q You spoke to each superior officer with whom you came in contact.

A I did.

Q Do you know whether that information was ever conveyed to General Homma?

A I cannot say.

Q When did the Japanese become educated, as you put it, to the point of stopping this?

A Things were much better after about five months.

Q Did you see the march of prisoners of war in Bataan?

A I did.

Q When?

A That was immediately after the surrender.

Q On what date?

A April 10th.

Q And what point did you see?

A Near Balanga.

Q What did you observe?

LIEUTENANT NATAUPSKY: Sir, will the Prosecution be a little more specific on that question?

GENERAL DONOVAN: He may answer the question.

What did you observe at Balanga on the march?

A (Through Interpreter Ogita) There were thousands of prisoners straggling along the road up towards Balanga.

Q (By Captain Calyer) What was their condition physically?

A I would say they were very fatigued, and many seemed to be suffering from disease.

Q What was your mission at that time?

A I went to see the conditions there, because as manager of the broadcasting station I had to know the news first-hand.

Q Did you take any pictures at that time?

A I did not have my camera.

Q Were any pictures taken by the propaganda corps while you were there?

A Not that I know of.

Q Do you know whether there were pictures taken by them at any time during the march?

A I did not witness anybody taking any pictures.

Q I did not ask you that. Do you know whether any pictures were taken by the propaganda corps?

A There may have been pictures taken.

CAPTAIN CALVER: No further questions.

LIEUTENANT NATAUPSKY: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Who took the pictures at Corregidor after the surrender?

A I believe that those were taken either by the propaganda corps or by the newspaper correspondents.

Q Didn't you belong to the propaganda corps?

A I did.

Q Who took the pictures?

A I wouldn't know. I was in charge of the broadcasting station.

Q (By General McNaught) You were at Bauang in the last week of December, 1941?

A We had already moved as far as Cabanatuan.

Q The last week of December, 1941?

A Yes, sir.

Q Where were you the last week of December?

A I was near Damortis.

Q Do you know if, at that time, there was any radio interception or monitoring system operated by the Japanese forces in the Philippines?

A As far as the propaganda section is concerned there

was no receiving set available. I was very much worried about this because we needed information from the outside world.

Q You were operating the radio station in Manila in the early part of May, 1942?

A Yes, sir.

Q At that time did you have a radio interception or monitoring system?

A We had no organized monitor.

Q Did you have a receiving set?

A I did have a receiving set.

Q Did you ever hear the radio station "Voice of Freedom" operating from Corregidor?

A I did hear that broadcast once or twice.

Q Did you hear it on 6 May 1942?

A Not that I can recall.

Q Did you ever hear a message over that radio station addressed to General Homma in which the individual broadcaster said it was General Beebe, Chief of Staff for General Wainright?

A I did not hear that.

Q Did you have anybody on that radio receiving set at all times?

A I did not have anybody on the receiving set all the time.

GENERAL McNAUGHT: I have nothing further.

Q (By General Gard) How long did you remain in the Philippines after you arrived with the 14th Army?

A I remained here until Manila was again occupied by the United States Army.

Q Were you in the Manila area most of that time?

A I was.

Q Do you know whether or not American planes ever bombed Nichols Field?

A Yes, sir, there was a bombing.

GENERAL GARD: That is all.

Q (By General Donovan) Were there Japanese planes at Nichols Field?

A I don't know.

Q But you are sure that American forces did bomb Nichols Field?

A I am sure about that. We heard the bombing in the City about noon. We knew that American planes had raided Nichols Field.

Q How did you know it?

A I was told so, sir.

Q (By General Valdes) As a member of the propaganda corps did you receive any complaint of the way the American and Filipino prisoners of war were being treated at Camp O'Donnell and the other camps at Cabanatuan?

A I did not receive any complaints.

Q Did you hear any information from the outside?

A I did hear rumors from the outside that the food was bad and there was a great deal of illness, and the death rates were high.

Q As a member of the propaganda corps did you try to check on the veracity of this information?

A I did as far as I could personally check.

Q Did you relay that information to your superior

officers and to General Homma?

A I did not. I believed my superior officers were better informed about that matter.

Q (By General Trudeau) What section of the staff did the propaganda troops function under?

A It came under the first section.

Q The First Section under Intelligence?

A I believe it was under Intelligence.

Q Did you at any time in your broadcasting have to discuss, or disseminate to the troops or to the civil population, any information on policies regarding reprisals or hostages?

A No, sir, there was never any broadcast of that sort made.

Q Do you know if any broadcast was made with regard to reprisals?

A I don't think there was any policy regarding such things.

GENERAL TRUDEAU: That is all.

Q (By General Donovan) In the early part of May did you witness the march from Pasay Beach to Bilibid?

A I did not, sir.

Q Where were you?

A At the broadcasting station.

Q What were you doing at the broadcasting station?

A I was running the broadcast.

Q What were you broadcasting? Were you broadcasting the march?

A No, sir; the usual program, sir.

Q This wasn't any particular event as far as you were concerned?

A No, sir, no special event. I heard about the march afterwards.

Q How many people were marching in that formation?

A I wouldn't know, sir.

Q You haven't the slightest idea?

A I haven't any idea, except they were prisoners from Corregidor.

GENERAL DONOVAN: Anything else?

LIEUTENANT NATAUPSKY: Nothing further.

CAPTAIN CALYER: May I ask one other question, sir?

Q (By Captain Calyer) Was it not the practice of your propaganda radio to answer the broadcast of the "Voice of Freedom"?

A No, it was not our practice.

Q Did you ever do it?

A I don't think so.

GENERAL DONOVAN: What was the answer to that? You don't think so, or you don't know, actually?

THE WITNESS: It was not the practice.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

HIDEMI KON

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera and Staff Sergeant Ogita:

DIRECT EXAMINATION

Q (By Lieutenant Nataupsky) Please state your name.

A (Through Interpreter Ogita) Hidemi Kon.

Q What is your occupation?

A I am a writer.

Q What sort of a writer?

A Novelist.

Q Were you in the Philippines at any time -- strike that. When were you in the Philippines?

A I came to the Philippines on December 24, 1941.

Q How long did you stay in the Philippines after that?

A Until November 3rd of the next year.

Q Were you in the 14th Army at that time?

A Yes.

Q Were you a civilian employee or soldier with the 14th Army?

A Civilian, attached to the Army.

Q What position did you hold in the 14th Army?

A I was serving in the information bureau.

Q What sort of work did you do in the information bureau?

A I was engaged in sending manuscripts to Japan. Within the department I was aiding with cultural matters, such as movies and music.

Q Was there any entertainment for the civilian population after the Japanese Army came in Manila?

A Yes; there were 50 some odd movie houses allowed to operate in Manila, and also, in Manila, a stage show, which the people liked. Such as reviews were shown, and musical concerts were sponsored in assembly halls of schools and

other places.

Q Were there any programs such as athletic programs in Manila?

A Baseball, tennis, golf, basketball, and many other types of athletic programs were held.

Q Was this program going on before August 5, 1942?

A Yes, it was held before that date.

Q Were there American movies shown in these theaters?

A Yes, they were shown.

Q Were there any restrictions put upon the Filipino people with regard to their attendance at these movie houses?

A It was open for the Filipinos. They were open for the Filipinos, so there were no such thing as restrictions.

Q While you were in Manila did you see the march of the American prisoners of war and the Filipino prisoners of war from Corregidor to Bilibid Prison?

GENERAL DONOVAN: You had better change that, and say from where.

Q (By Lieutenant Nataupsky) Did you see the march on Dewey Boulevard?

A (Through Interpreter Ogita) Yes.

Q What did you see?

A At that time I was staying in the Bayview Hotel, and in the morning I was going to the office, but there were people in front of the building, so I went out to the boulevard, and I saw American prisoners marching. I saw the prisoners walking with small bundles on their backs and drinking water from time to time.

GENERAL DONOVAN: Read that back.

(Question and answer read.)

Q (By Lieutenant Nataupsky) Where did you see prisoners drinking water?

A (Through Interpreter Ogita) I was standing on a corner where the Bayview Hotel is, and near the Bayview there is a shade tree. Under the shade tree there was barrels that used to be sake barrels. They were filled with water and the Japanese soldiers were allowing the prisoners to drink water from dippers.

Q Was any previous announcement made of this march?

A No.

Q Were any announcements made in the newspapers that you know of, the previous day?

A I did not see it.

Q Did you see the newspapers?

A I read the newspapers every day, but I didn't notice anything about that.

Q Did you hear of any radio announcements the previous day as to this marching?

A Radio announcements about what?

Q About this march that would take place the following day?

A No, I didn't hear anything about that.

Q While you were in the Philippines did you ever take sick?

A During the second operation on Bataan I contracted dengue fever.

GENERAL DONOVAN: We will have a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

LIEUTENANT NATAUPSKY: Will you read the last question and answer, please?

(Question and answer read.)

Q (By Lieutenant Nataupsky) How long did it take to cure that fever?

A (Through Interpreter Onodera) About one month. The first week I had such a high fever that I was not able to come back to Manila. Then when the fever decreased I came back to Manila.

Q Were you ever hospitalized?

A No.

Q Why not?

A In Bataan there was no hospital to which I could go, and when I came back to Manila I heard that the hospitals were all overcrowded and their facilities were not very good, so I decided that it probably would be better for me to stay in my room and take care of the sickness.

Q What kind of medicine were you given and what sort of treatment were you given?

A When I was in Bataan the medical officer who came, and he came only after the third day of my fever, he was a specialist in the piles and he did not know much about the dengue fever so he gave me aspirin to take, and then later he said that because aspirin, too many aspirins would not be good for the illness, he gave me bicarbonate of soda.

Q What do you know about General Homma's policies towards the Filipino people?

A We understood or heard his instructions to be, first, not to regard Filipinos as enemies. Also, second, to respect the customs and traditions of the Filipinos, and, third, not to bring about a sudden and radical change in the social setup.

When the information bureau made or prepared a propaganda leaflet to be distributed to the Philippine Islands and wrote on it the fact that Japan was liberating the Philippines from the exploitation by the United States, General Homma somehow got hold of this leaflet and reproached us that America was not or had not exploited the Philippines and it was wrong to make such false statements in these leaflets.

In fact, America had administered a very benevolent supervision over the Philippines, and Japan should make better supervision and rules over the Filipinos.

Q How did the Filipino people feel towards General Homma?

A As far as I know, and as far as I have contacted, as far as the contact I had with the Filipinos, what they could tell me, General Homma was looked upon by the Filipino people with respect and was very popular. When General Homma returned to Japan and the next army commander came, I remember a case of a Filipino showing me a picture of the new commander with his new moustache, and this new commander had come up from the ranks of the military police, said to me that it is regrettable that we have to

lose such a good commanding general as General Homma.

Q Do you know whether Field Marshal Terauchi visited the Philippines?

A I heard that he visited the Philippines soon after the fall of Corregidor.

Q What was the purpose of his visit?

A This is my personal opinion, but I think that after Bataan and Corregidor, after those operations were over, in other words, when the Philippine campaign was over, Count Terauchi came to inspect the situation.

Q Did he approve of General Homma's policies toward the Filipino people?

A I do not know those things; I do not know the detailed account of those things, but I do not think that he was necessarily in agreement with General Homma's policies.

Q What do you base this opinion on?

A Count Terauchi had asked why did not General Homma occupy Malacanan and use it as the army headquarters. However, General Homma had replied that even the United States had not occupied Malacanan and it would not be proper for the Japanese to take over Malacanan.

I think that Count Terauchi criticised this attitude of General Homma's as being too lenient.

Q Do you know if General Homma was ever on Corregidor?

A Soon after the fall of Corregidor General Homma went to Corregidor for an inspection. I went in that party with him and with many correspondents and newspaper reporters.

Q Did General Homma at that time inspect the remaining

prisoners of war on Corregidor?

A When General Homma inspected the tunnel, which is the big tunnel, which is under the Malinta Hill, I think he inspected many patients, officers and men of the American Army who were inside the tunnel.

General Homma went right up to the patients, one was an American nurse, and another one was an American soldier, who looked like an officer, lying there, and in English he asked them, "Are you being treated well? Are you getting enough medical attention, and have you enough medicine? If not, just say so to the Japanese."

I was surprised at the fluency with which he spoke English, and I asked a reporter from Domei, who was standing next to me, what General Homma said, and he told me this.

Q Was General Homma answered by the nurse and the American soldier?

A Yes. The American nurse was smiling, and she was nodding her head.

Q Were all the prisoners of war already evacuated from Corregidor at this time?

A No. The patients were all in the tunnel, and I saw some healthy P. W.'s in the shore, on the shore under the cliff who were swimming. I saw this when I went by there in the car.

Q Do you know why General Homma was so early retired from the army and relieved of his command?

A Of course, I don't know the detailed reason for this, but I think, my personal opinion is that in all likelihood because he believed in the administration of the Philippines,

following along the cultural lines and through political means, and I think he was disliked by the militarists, that is, those who believed in use of force to accomplish things.

CAPTAIN RAFF: I would like to move to strike out the answer, since it is apparent that it is based entirely on hearsay. There is no knowledge shown on which he can base an opinion.

GENERAL DONOVAN: It is not hearsay; it is his opinion. The Commission will take it for whatever probative value it has.

CAPTAIN RAFF: Well, I objected as to how he knew this.

GENERAL DONOVAN: It is just his opinion.

LIEUTENANT NATAUPSKY: Your witness.

CROSS EXAMINATION

Q (By Captain Raff) While you were in the Philippines under General Homma, did you have anything to do with the preparation of the Official Journal of the Japanese Military Administration?

INTERPRETER ONODERA: Is that the title of the book you have there?

CAPTAIN RAFF: Yes.

THE WITNESS: (Through Interpreter Onodera) No.

Q (By Captain Raff) Do you know whether such an edition as the Official Journal of the Japanese Military Administration was published?

A No, I don't know.

CAPTAIN RAFF: I have nothing further.

GENERAL DONOVAN: Anything further?

LIEUTENANT NATAUPSKY: No, sir.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

KENJIRO SAIBATA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera and Staff Sergeant Ogita:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Will you state your name?

A Kenjiro Saibata, S-a-i-b-a-t-a.

Q Did you come to the Philippine Islands with the 14th Army?

A I came after the 14th Army.

Q When did you come?

A The 27th of February, 1942.

Q What were your duties?

A Newspaper correspondent, reporter.

Q Were you employed by the Japanese Army?

A Yes.

Q What work did you do in the Philippines?

A Partly the work concerning information, and partly in the culture projects.

Q Were you in charge of the publication of any newspapers or magazines?

A I was in charge of publication of magazines.

Q What kind of magazines?

A It is a Tagalog magazine called "Liwayway."

Q Did you cover the Battle of Bataan for this magazine?

A No.

Q Were you on Bataan at any time before the surrender?

A Yes.

Q When?

A From the 5th of March until the 7th of May.

Q What were you doing there?

A My duties consisted of work along the information line, and also the propaganda toward the eneny.

Q Where were you at the time of the surrender of Bataan?

A I was in the mountains in Mariveles.

Q With what unit of the Japanese Army were you?

A I was with the regiment commanded by Colonel Imai, which was a part of the 65th Brigade.

Q Describe the conditions under which the Japanese soldiers were living at this time, briefly.

A On the 5th of March, when the 65th Brigade landed on Bataan, most of the troops were in injured conditions, and although the replacements were coming in little by little, the number of replacements was very small. Because we were being defeated, I was prohibited to report on the battle. Therefore, I had no work until the general attack was started. When the general attack started, my regiment, which was in the mountains, was subjected to artillery firing, and on the third day there was hardly any food left. When I left the mountains, I had to leave all my food. The food situation was so bad that the troops were in -- well, the troops were suffering greatly.

Q What was the situation with regard to the supply of food and medicine at that time?

A I don't know about the other units, but the force that I was with had very little food, and I think the troops suffered greatly because of the lack of food. There were malaria patients, but they all complained that they were not given enough medicine. In the case of myself, I suffered from bronchitis, but I received medicine only twice, and I was told to endure the illness by not eating, not eating any food.

Q What were the dates during which you remained with the Imai Regiment at the front?

A From the afternoon of the 3rd of April to the morning of the 12th.

Q Did you see the march of prisoners from Bataan to San Fernando?

A Yes, sir, I did.

Q At what time, and where did you see the march?

A Near Balanga, at about noon of the 12th.

Q For how long did you observe the march?

A About ten minutes.

Q What was the condition of the prisoners?

A There were a considerable number of extremely exhausted soldiers, who looked as though they had malaria. At the same time, there were soldiers who looked quite healthy.

Q During this ten minutes, did you see any guards mistreat any of the prisoners?

A No.

Q Did you see the prisoners from Corregidor march down Dewey Boulevard toward the end of May?

A I did not see it.

Q Were you told about this march?

A Yes, I heard about it later.

Q Were you informed about the march before it took place?

A No, I was not told.

Q Did any writer for your magazine go to the scene of the march in order to write about it?

A No, no one.

Q To your knowledge, was the fact that the march was going to take place publicized in any way previous to the march?

A I don't know a thing about it.

Q Do you know anything concerning the death of Chief Justice Santos?

A After I went back to the Japanese mainland I heard about it from General Homma.

Q What did General Homma tell you?

GENERAL DONOVAN: Tell him not to get mixed up with politics, will you? Tell him we don't want any Philippine politics.

LIEUTENANT PELZ: I have already informed him, sir.

A (Through Interpreter Onodera) I asked General Homma, "Is it not true that there are very few good statesmen in the Philippines?"

General Homma replied that, "No, that is not true, that the Philippine Islands had many capable statesmen. I managed to save Roxas, although in the case of Santos I

I heard about his execution later and I was very sorry that he had been executed by my subordinates who were ignorant. I had previously given an order not to kill indiscriminately or wantonly. However, this was not carried out. I am extremely sorry that Santos was executed."

Q When did this conversation take place?

A It was at a time when General Homma was placed in reserve and was at his own home.

Q Do you know why General Homma was relieved of command?

A Personally, I have some ideas about the reason.

Q What are those ideas?

A Being a newspaper reporter, I knew that the militarists of the day, of those days, disliked and discriminated against the moderate -- against the elements who believed in civil administration.

INTERPRETER ONODERA: If it please the Court, I would like to explain these terms. These words, particularly "militarist" and "civilian", as given in the dictionary their meaning isn't conveyed fully; but when "militarist" is applied here it means that they were the ones who believed in accomplishing things by force, and the other ones are ones who do it by peaceful means.

GENERAL DONOVAN: We understand that.

A (Continuing, through Interpreter Onodera) I asked General Homma, "Is it true that you have been relieved of command because your Bataan operation was a failure, as the nation thinks?" General Homma replied that, "I do not think that I was placed on reserve because I failed in the Bataan operation."

I asked General Homma, "Is it because people learned that General Homma had laid down a very generous and warm-hearted administration in the Philippines, and because Count Terauchi, who was the Southern Supreme Army Commander, and the members of the army general headquarters did not like General Homma's policy, that General Homma had been relieved?"

General Homma replied, "I have no regret for having tried to administer the Philippines with generosity and kind-heartedness."

Then I asked him, "Why, isn't the reason that you are placed in reserve because of the Tojo faction, who disliked you and discriminated against you?"

General Homma did not give me a clear answer on this. And later he just mentioned one thing: He said, "There should be no faction or clique in the army."

So I ventured to come to the conclusion that General Homma was placed in reserve because of the Tojo faction.

Q As a newspaperman, did you receive any information prior to December 1941, which concerned General Homma's policies toward the war?

COLONEL MEEK: What is that date?

LIEUTENANT PELZ: Prior to December 1941.

A (Through Lieutenant Onodera) As a newspaper reporter, then with the newspaper, there is one thing that I learned as the news. This is not a confirmed fact, but I would like to --

GENERAL DONOVAN: Just tell him to go on and say it, whatever it was.

INTERPRETER ONODERA: Yes, sir.

THE WITNESS: (Through Interpreter Onodera) I remember it was about October of 1941. General Homma, then commanding general of the Formosa Army, told the chief of the Military Affairs Section of the War Ministry, that General Tojo will probably receive the imperial order to form the cabinet, and he will probably hold the post of War Minister concurrently; and if Tojo does become a War Minister, he will form a faction, a Tojo faction, and if he does make such a faction, it will be very detrimental to the Japanese Army. Therefore, Tojo should not be allowed to form the cabinet.

This news came into the newspaper office.

LIEUTENANT PELZ: I have nothing further with this witness.

GENERAL DONOVAN: The Commission will reconvene at 8:30 tomorrow morning.

(Whereupon, at 1630 hours, an adjournment was taken until 0830 hours, 2 February 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXIV

PAGES 2804 TO 2885

MANILA, P. I.

DATE 2 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
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COMMANDING GENERAL,
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UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA,	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
2 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Kenjiro Saibata (resumed)		2804	2808-12	
(By the Commission)	2810			
Franz Ucko	2812-27	2871		
(By the Commission)	2825			
Shusuke Horiguchi	2829	2871		
(By the Commission)	2883			

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

KENJIRO SAIBATA

a witness on behalf of the Defense, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows through Interpreters Lieutenant Onodera, Staff Sergeant Ogita, and Staff Sergeant Roy Kato:

COLONEL MEEK: Will you remind the witness that he is still under oath?

(Translated to the witness by Lieutenant Onodera.)

CROSS EXAMINATION

Q (By Colonel Meek) I believe you stated yesterday that while you were in Manila you were employed by the Nichinichi Shimbunsha.

GENERAL DONOVAN: Will you read that question?

(Question read.)

LIEUTENANT PELZ: I do not believe the witness said that yesterday. I believe that was one of the previous witnesses.

GENERAL DONOVAN: I do not recall that he said that, either.

COLONEL MEEK: I would like to get the answer from the witness.

GENERAL DONOVAN: Ask him if he was ever employed by that outfit.

Q (By Colonel Meek) Were you ever employed by the Nichinichi Shimbunsha in Manila?

A (Through Interpreter Onodera) No.

Q By whom were you employed?

A At Manila I was a member of the Information Bureau and I was hired by the Army to work in that bureau.

Q Did the Information Bureau publish an official journal of the Japanese Military Administration?

A I don't think so.

Q Do you know who did publish such a journal?

A No, I don't know about it at all.

Q Were you in the Bureau of Publicity of the Information Bureau?

A There were newspaper sections, they had movie sections, music sections, and other things, but I don't think there was any special section which dealt in publicity.

Q In your interview with General Homma in Japan after he had been relieved, you asked the question: "Is it true that you have been relieved of your command because your Bataan operation was a failure as the nation thinks?"

A I asked him if it was true that he was relieved of his command because of the failure of the Bataan operation, and as it is rumored among some part of the population.

Q Yesterday you said the reason for his removal was because of the failure as the nation thinks. Now what I want to know, did the Japanese nation, at the time you were discussing this with Homma, think his Bataan operation had been a failure?

INTERPRETER ONODERA: If it please the Commission, I

would like to explain something. I do not like to be responsible for the question hinged on the words "nation thinks," because what he said was something like "what the people say or thinks"; it is a very vague way of saying it.

COLONEL MEEK: I am sorry. I am reading the answer that the witness gave as it appears in the transcript.

GENERAL DONOVAN: Just do the best you can with the question. We will see then where we are.

LIEUTENANT PELZ: I was just going to say, sir, Colonel Meek is trying to impeach the witness on a matter of the difference between an interpretation.

GENERAL DONOVAN: We will decide that later.

LIEUTENANT PELZ: All right.

COLONEL MEEK: Well, I will withdraw the question.

Q (By Colonel Meek) Was it generally thought by the people in Japan that Homma's operations in Bataan had been a failure?

A (Through Interpreter Onodera) The general opinion was that General Homma allowed the American and Filipino troops to escape to Bataan, and what was the matter -- what was wrong that caused the first Bataan operation to be prolonged for such a length of time.

Q Was General Homma blamed for the high casualties of the Japanese troops?

LIEUTENANT PELZ: Sir, may the Prosecution ask by whom was he blamed?

COLONEL MEEK: By the people of Japan.

LIEUTENANT PELZ: In that case I object to that. This witness is not competent to testify what the people of Japan

thought. I doubt if any man is competent to testify as to what a people think.

COLONEL MEEK: He testified yesterday as to the opinion of the people of Japan, and I am asking for his opinion now.

GENERAL DONOVAN: The witness is a newspaperman and he has some idea what public opinion is, and he may answer the question. However, I wish you would limit this line of questioning. Some of it is beside the point, and it is his opinion, the opinion of one man. We will take it for whatever probative value it has.

COLONEL MEEK: All right, sir; I just have one or two more questions along this line.

A (Through Interpreter Onodera) At that time the casualty rate was not allowed to be published to the people. I do not think that people knew whether the casualty rate was high or low.

Q (By Colonel Meek) In view of your testimony yesterday how do you explain that Tojo or the Imperial Japanese Government entrusted the invasion, the first invasion against American troops in the war, to General Homma?

INTERPRETER ONODERA: Will you read the question?

(Question read.)

A (Through Interpreter Onodera) Things like that which concerned the higher authorities or powers I do not know about.

Q (By Colonel Meek) You have no opinion to express on that?

A No, I have no personal opinion, because I have never studied things like that nor had connections with anything

like that.

Q Would you have an opinion as to whether, at that time, Homma was in the confidence of Tojo and the Imperial Japanese Army?

A My personal opinion is that such a man as General Homma who tried to solve problems peacefully instead of using military force, a man who we termed as of the pro-Anglo-American element, was not trusted by the powers of that day.

GENERAL DONOVAN: I want to be sure that answer is the way the witness gave it.

Read the answer.

(Answer read.)

GENERAL DONOVAN: Is that word "trusted," or "entrusted"?

LIEUTENANT ONODERA: "Trusted."

COLONEL MEEK: That is all.

GENERAL DONOVAN: Do you have anything else, Lieutenant Pelz?

LIEUTENANT PELZ: Yes.

REDIRECT EXAMINATION

Q (By Lieutenant Pelz) Did you question General Homma as to whether the fact that American troops escaped into Bataan was considered to be a failure?

A Yes.

Q What did he tell you?

A He said that, "I do not consider it a failure."

I asked him, "What is the reason for thinking so?"

COLONEL MEEK: If the Commission please, before that answer is completed, may I inquire as to whether this is

testimony as to another interview with Homma, or is it the one he testified to yesterday? It seems to me that we went into that quite fully yesterday, and if it is the same one we went into yesterday it would be purely repetition to go into it again.

GENERAL DONOVAN: Let's find out.

Q (By Lieutenant Pelz) When did this conversation take place with General Homma?

A When General Homma was placed in reserve and sent to Tokyo.

GENERAL DONOVAN: The witness may answer the question. Let him answer the question.

A (Continuing, through Lieutenant Onodera) General Homma replied, "When the Japanese forces landed on Lingayen there were two roads that could be used to enter Manila; one was the San Fernando Road and the other one was the Cabanatuan Road." General Homma wondered which road to use, which road to send his main strength on.

GENERAL DONOVAN: We do not care for the details of this.

Q (By Lieutenant Pelz) What was the main objective which Imperial General Headquarters had laid down for General Homma?

COLONEL MEEK: I will object to that question because this witness, there is no basis any place in his testimony, and he has not been qualified to answer any question such as that.

LIEUTENANT PELZ: If it please the Commission, I had no intention to bring this up, but the Prosecution did

bring it up by saying as to why he was relieved of his command, and that is why I am bringing it up at this time.

GENERAL DONOVAN: The witness may answer the question.

LIEUTENANT PELZ: Will you add to that, "according to General Homma's statement"?

GENERAL DONOVAN: Before we go into this phase of the testimony, limit yourself to two or three questions more to finish this up, as to the operations in Bataan.

LIEUTENANT PELZ: This should finish it up.

A (Through Interpreter Onodera) I learned through the official communique from the Imperial GHQ that the main objective for General Homma was to enter Manila as soon as possible.

LIEUTENANT PELZ: Nothing further.

COLONEL MEEK: I have nothing further.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Do you know when General Homma was selected to command the invasion forces?

A I don't know.

Q Is it reasonable to assume that the High Command in Tokyo selected an officer for the invasion of the Philippines who did not agree with their policies?

Read that question back.

(Question read.)

GENERAL DONOVAN: Well, "to command the invasion of the Philippines," I should have said.

A (Through Interpreter Onodera) I will state my personal feelings on this: As far as I know, in the Japanese Army, General Homma is one of the most able generals, and at the

same time he was already at Formosa as the Formosa Army commander, and I believe that that may be the reason why he was selected to command the invasion.

Q (By General Donovan) When was he in Formosa? You speak of him being at Formosa. When was this?

A I don't remember from when to when, but I do know that he was the Army commander in Formosa before the war started.

GENERAL DONOVAN: That is all I have.

Q (By General Gard) After your interview with General Homma did you write an article on his military career, or reviewing his military career? Phrase it as you wish.

A No, in those days we were not allowed to write articles on such matters, articles of such nature.

Q What was the purpose of your interview, then? Most newspapermen like to write about that, don't they?

A When I was in Manila I met General Homma and was very deeply touched, or was moved by his character; therefore, when I returned to Tokyo, I went to talk to him.

Q Did you go at General Homma's invitation or your own?

A No, I was not invited; I went because I admired him.

Q Did you discuss General Homma's military career since September 18, 1931?

LIEUTENANT ONODERA: September 18, 1931?

GENERAL GARD: Right. You might tell him that is the Mukden Incident.

A (Through Interpreter Onodera) No.

Q (By General Trudeau) From the information available to you do you know why General Wachi replaced General Maeda as chief of staff to General Homma?

A It happened just at the time I arrived in Manila, and I don't know the reason.

Q From your observations do you have any opinion as to the degree of cooperation and loyalty, the degree of cooperation and loyalty that General Homma received from General Hayashi?

A I have never met Major General Hayashi and I have no material or grounds on which I can make such observation.

GENERAL TRUDEAU: That is all.

LIEUTENANT PELZ: I have one question, sir.

FURTHER REDIRECT EXAMINATION

Q (By Lieutenant Pelz) Have you written, or are you writing a book concerning any of the matters on which you have testified here today and yesterday?

A I have a manuscript that I have already wrote.

GENERAL DONOVAN: What did he say?

LIEUTENANT ONODERA: "I have a manuscript that I wrote."

GENERAL DONOVAN: Is there anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

FRANZ UCKO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Will you state your name, grade, and organization, please?

A Private Franz Ucko, AFWESPAC Photo Lab., PRO Section.

Q I direct your attention to December, 1941, and ask

you where you were at that time?

A I was in Manila, sir.

Q What was your status at that time?

A I was a civilian, sir.

Q Do you recall when Manila was declared an open city?

A Yes, sir. It must have been the 26th, I think, of December.

Q Do you recall whether there was any bombing of Manila on the 27th of December?

A There was a very heavy bombing of Manila.

Q Where were you at that time?

A I was in the port area. I was working for the H. E. Heacock Company.

Q What were the weather conditions on that day?

A It was a beautiful day, blue sky. There was quite a heavy wind blowing.

Q In what direction was the wind blowing?

A So far as I can recall, it was blowing away from the piers.

Q Was it blowing towards the Intramuros?

A Yes, necessarily.

Q Can you estimate the distance between the farthest point in the Intramuros and the farthest point in the port area?

A It couldn't have been more than 1,200 yards at the most.

GENERAL DONOVAN: I wish you would explain to me that question.

LIEUTENANT PELZ: Well, in other words, sir, the

longest distance between any point in the Intramuros and any point in the port area.

GENERAL TRUDEAU: That still is not close enough. Are you including North Harbor in the port area? Are you including that part of the port area south of the Pasig River?

LIEUTENANT PELZ: Yes, sir. I would --

GENERAL DONOVAN: Take a little time and straighten that out, that question.

We will take a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. Prosecution is present and we are ready to proceed.

Q (By Lieutenant Pelz) What is the distance between Santo Domingo Church and Pier 1 in the port area south of the Pasig River?

A It is approximately 800 yards.

Q What did you do when the bombing started?

A I was in the office at that time, I recall, and since on previous -- in the port area -- and on previous days I had the experience that the bombers were not so very accurate, and they were coming a little bit towards our office building -- rather, the hits were -- and on that day I kind of thought that I would be better off in Intramuros, and I ran across the street, and inside the Intramuros wall there was kind of an air raid shelter, an old Spanish dungeon. We hid in there.

Q To your knowledge were there any ships in the Pasig

River at that time?

A As far as I can recall, there were three inter-island boats there, cargo boats. They were on the southern side, southern bank of the Pasig River, right next to Jones Bridge.

Q Did any of the bombs fall around the ships?

A They did. I think some hit. Some fell in the street, and some also fell inside Intramuros. A few of these hit Santo Domingo Church, if I recall right.

Q Did you see the sign at City Hall?

A Yes, there was a sign there that the city was declared an open city.

Q How big were the letters?

A I couldn't exactly tell. I only know that you could see the sign from pretty far away.

Q Could they be seen from the air?

A I don't think you could. It was on the side of City Hall .

GENERAL DONOVAN: Ask him approximately how tall the letters were.

Q (By Lieutenant Pelz) Can you estimate how tall the letters were?

GENERAL DONOVAN: Three feet, two feet, or one foot?

THE WITNESS: No; they were approximately about three feet.

Q (By Lieutenant Pelz) And they were in English? The sign was in English?

A They were in English; they were all in English.

Q In the period January through July, 1942, did you ever visit the Santo Tomas Internment Camp?

A Yes, I did. As a matter of fact, I went there the very first day.

Q Do you know the date?

A No, I couldn't say that exactly.

Q What do you mean when you say the first day?

A Well, the first day of the internment of all Americans, British and Dutch nationals.

Q Were there many people outside of Santo Tomas at that time?

A Oh, the place was thronged. There were thousands of Filipinos and other people who were trying to help their friends in any way they could.

Q How did you know the camp was opening that day?

A Well, we were in close contact with our friends, because, of course, we thought when the Japanese took the City that the Americans would be interned.

Q Why were you not interned?

A I am not an American citizen.

Q What were you and the other people outside of the camp doing?

A Well, we had cigarettes with us, and we had foodstuffs, just things that we happened to pick up at that time, and we reached them through the gates where we told friends to give them to people we knew in there.

Q Did the Japanese guards try to stop you on that day from giving these supplies to the internees?

A No, they did not.

Q Did you go again to Santo Tomas after that date?

A We went pretty regularly every second day, after

that; and so did others.

Q Could you have gone every day?

A If I wanted to.

Q What did you do when you went there?

A Well, I had a bag -- as a matter of fact, everyone who came there had a bag of things that he wanted to give to his friends inside. There was a long line, some kind of an office where you had your bags inspected by American internees. They were watched, though, of course, by Japanese civilians, if I recall right.

GENERAL DONOVAN: What was that last?

THE WITNESS: It was a long line. It was necessary to put your bag down, and they inspected the things, whether you had either -- whether you didn't have any weapons or liquor in there. That was forbidden.

Q (By Lieutenant Pelz) Where was this that this inspection took place?

A That was on the Santo Tomas premises.

Q Was it at the main gate?

A You went in at the main gate; you had to bow to the sentry; and then you turned right, I think, and there you had your long line. That is where they inspected you.

Q What were some of the things you used to take in there to your friends?

A At that time we had still canned goods or home-cooked stuff, laundry, soap -- well, anything that would be useful for them.

GENERAL DONOVAN: Can you hear the witness over there?

LIEUTENANT PELZ: I cannot hear him very well.

GENERAL DONOVAN: Did you hear the last answer?

LIEUTENANT PELZ: Yes, sir.

Q (By Lieutenant Pelz) Did the internees without acquaintances outside the camp have any means of purchasing things?

GENERAL DONOVAN: Speak a little louder when you answer that question.

A Not at the beginning, as far as I know.

Q (By Lieutenant Pelz) When did they?

A Later on. I don't know what date it was, but later on they had little shops run by internees; where they obtained the stuff I don't know, but it was legal, they had it open, and I think the Japanese approved it, because otherwise they couldn't have done it.

GENERAL DONOVAN: Read that question and answer, please.

(Question and answer read.)

Q (By Lieutenant Pelz) In the period between the opening of the camp and 5 August 1942 did the Japanese guards place any obstacles in the way of your getting these goods to your friends?

A No.

Q Were you permitted to give items to the internees by means other than through the main gate?

A No, you were not.

Q Were goods ever given to the internees over the walls?

A Well, as far as I know, it sometimes happened that whiskey was thrown over the wall; and as far as I know from friends, these things were quite heavily reprimanded by the

Japanese administration inside the camp.

Q Were any guards placed around the walls to stop this procedure?

A No, there weren't.

Q Were any internees given the responsibility, to your knowledge, of stopping this procedure?

A Yes. They had a police force made up of internees in the camp, and they patrolled the walls at different times of day and night.

LIEUTENANT PELZ: I have nothing further, sir.

GENERAL DONOVAN: Colonel Meek?

CROSS EXAMINATION

Q (By Colonel Meek) What is your nationality?

A Sir, I was born in Poland and came to the Philippines in '39. I lived in Germany for 17 years. I am a religious refugee.

Q You were registered by the Japanese --

GENERAL DONOVAN: What is his nationality?

COLONEL MEEK: He is a Pole.

GENERAL DONOVAN: What is your nationality? German or Polish?

THE WITNESS: Right now I don't think I have any nationality, sir, because my nationality was rescinded when I came here.

GENERAL DONOVAN: What do you consider yourself?

THE WITNESS: Well, I consider myself a Pole, sir.

Q (By Colonel Meek) How were you registered by the Japanese? A Pole, German, or what?

A No; I was registered as a "Stateless."

GENERAL DONOVAN: What does that mean? Without a state?

COLONEL MEEK: Without any citizenship.

GENERAL TRUDEAU: Where did you learn to speak English so well?

THE WITNESS: I went to college, sir, in Germany, and before I came here I went to England, sir. When I came to the Philippines I had to re-learn it.

GENERAL DONOVAN: All right, Colonel Meek.

Q (By Colonel Meek) Now, you say that you saw the bombing of Manila on the 27th of December. Did you see bombing of Manila prior to December 27th?

A Yes, sir. I was right in the middle of it.

Q Did you see bombing in Manila after December 27th?

A I did.

Q When?

A On the 28th, I think.

Q Again?

A The last day of the bombing was a Sunday, that I recall; whether that was the 28th or the 29th, I don't know.

Q Now, the bombing that you observed prior to December 27th, what was the elevation of the planes doing that bombing?

A Well, the very first day I recall the planes came about -- there was a wave of 72 twin-engined bombers coming. They were very high; they were about at least thirty to thirty-five thousand feet.

Q How high were they on the 27th of December?

A Comparatively low. I think they were not higher than

about eight or nine thousand feet.

Q How high were they on the 28th?

A About the same.

Q Was there any ground strafing by planes prior to December 27th?

A Not where I was, sir.

Q Did you hear of any in Manila, prior to December 27th?

A Yes, I heard. I heard a lot about strafings outside of Manila.

Q Outside of Manila?

A Yes, sir.

Q Did you hear ground strafing or see ground strafing on the 27th and the 28th?

A No, I didn't.

Q Did you observe the planes or were you pretty well hidden during the bombing?

A Well, the first four days of the bombing I wasn't so well hidden. As a matter of fact, I was lying out in the open under the trees and saw the bombing.

Q Now, I am talking about the 27th and the 28th.

A There was one day that I was in that dungeon in the Walled City at Intramuros, and on the 28th I wasn't there at all.

Q Where were you on the 28th?

A In Pasay, that is out here in this district.

Q You were not close enough to observe it at that time?

A No.

Q You do not know the elevation of the planes on the 28th?

A Yes, I know that. They were flying in all the time over the city. They were flying in over their objectives, and they did not have any interception, so they just came low.

Q They had no interception?

A None at all.

Q Prior to the 26th of December there had been anti-aircraft fire?

A Right in front of our office we had three batteries.

Q On the 27th and 28th there was no anti-aircraft fire at all, is that right?

A There wasn't any.

Q Now, you stated that when you went out to Santo Tomas you bowed to the guard, is that right?

A That is right.

Q Did you ever observe anyone that failed or neglected to bow to the guard?

A Yes, I did.

Q What happened to him?

A Well, I tried that once and I got away with it, but I heard that when you did not bow to the guard you would get your face slapped.

Q Did you see any Filipinos or anyone visiting Santo Tomas at any of your visits being abused by the guards?

A Yes, I did.

Q What was happening to them?

A Well, he just didn't bow right or the Japanese maybe didn't like the way he bowed, so if he was nasty he slapped his face, and if he wasn't he made him bow again.

LIEUTENANT PELZ: I should like the Prosecution, sir, to be reminded to confine this to the period up to 5 August. Undoubtedly the witness went there after that.

Q (By Colonel Meek) You are testifying as to a period up to 5 August?

A Around the beginning it wasn't organized at all. I mean they had a guard there, but you just went in.

Q Did you see any of this slapping?

GENERAL DONOVAN: Let's get that date fixed first. You are speaking of 5 August 1942?

COLONEL MEEK: Yes.

GENERAL DONOVAN: That is all we are interested in is

up to 5 August 1942, is that right, Colonel Meek?

COLONEL MEEK: Yes, sir.

Q (By Colonel Meek) Did you ever see any Filipinos or any civilians tied up at the gates at Santo Tomas or just inside the gates?

A No.

Q Why was it necessary to supply your friends in Santo Tomas?

A They didn't have any means to get it anywhere else before a real organization was established inside.

Q When was the real organization established inside?

A I couldn't be so sure of that.

Q How long did you supply them with food, your friends?

A Well, all three years.

Q What?

A All through the three years of the occupation.

Q You kept on supplying them from the time they went in until the 5th of August?

A Yes, it was never sufficient to what our standards were.

GENERAL DONOVAN: What was not sufficient?

THE WITNESS: The food inside.

Q (By Colonel Meek) Were you ever permitted to go beyond the gate into the interior of Santo Tomas?

A No, I was not.

Q Did you ever ask to go in beyond the gate?

A No, the Japanese gave out orders that only relatives of internees could visit their relatives inside at certain dates.

Q Did you ever try to visit and know the conditions, the actual living conditions inside of Santo Tomas?

A No, I did not.

Q You don't know what they were?

A Inside?

Q Yes.

A I know it from letters that our friends brought outside.

Q I mean from your own knowledge?

A No, I don't.

Q Do you know what hospital facilities were provided by the Japanese or anyone else?

A No, I don't know.

COLONEL MEEK: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) In these airplane attacks did you notice any machine guns firing on particular areas after Christmas?

A The only thing I saw and felt were bombs. I never did see any machine gun fire. The planes were too high for strafing.

Q The planes were too high all the time?

A At that time they were 8000 feet, as I said; they never strafed us then.

Q Did you say you were a soldier of the American Army?

A That is right, sir.

Q What is your job?

A I am working in the photo lab, a photographer.

Q What do you belong to, what outfit?

A AFWESPAC, PRO.

Q Did you hear anything about any atrocities in Manila during this period up to August 5, committed by the Japanese?

A I haven't seen any; I have heard stories.

Q Most of what you have testified to, a lot of what you have testified to, the conditions at Santo Tomas, those things are based on what somebody told you and from letters. You did not go into Santo Tomas?

A No, I couldn't say anything about things inside.

Q Tell us what you heard about some of the atrocities during that period.

A Well, people were tied up and put into the sun.

LIEUTENANT PELZ: If it please the Commission, I request the witness tell who told him these things. I realize there are a lot of rumors that went around. I do not think this Commission is interested in rumors.

GENERAL DONOVAN: Tell us who told you that.

THE WITNESS: Friends, naturally. People I talked to. We were more or less all on one side against the Japanese in Manila, so everybody was everybody else's friend.

Q (By General Donovan) What was your attitude towards the Japanese?

A Pardon me, sir.

Q During this period of time what was your personal attitude toward the Japanese?

A It was definitely against the Japanese.

Q It was against the Japanese?

A Yes.

Q Why?

A Well, sir, my parents and my kid sister were killed by the Nazis in Poland, and the Japanese were, as far as I was concerned, on the same side. I did not have any reason to feel friendly towards them.

Q (By General McNaught) How were you employed during the Japanese occupation?

A I was working in an advertising company, an advertising company advertising Filipino goods.

Q (By General Trudeau) Did you take any medical supplies in to internees at Santo Tomas?

A No, sir, I didn't. There was a gentleman, I think Mr. Burnett inside of the camp that took care of that.

Q What is your impression of the general feeling of the Filipino people in Manila toward General Homma, your opinion, during the period we are discussing here?

A They were naturally against General Homma.

Q Did you ever see General Homma while he was in Manila?

A No, I never seen him.

LIEUTENANT PELZ: I have a question, sir.

GENERAL DONOVAN: All right.

FURTHER DIRECT EXAMINATION

Q (By Lieutenant Pelz) Did you ever engage in any combat operations against the Japanese?

A Yes, I did.

Q Where?

A At Baguio, Balete Pass, Cagayen Valley, and at Oriung Pass with the 37th Division.

Q What was your capacity at that time?

A Combat photographer with G-2.

Q (By General Donovan) Was any standing procedure adopted for the standard of civilian deportment when high-ranking Japanese officers rode along the streets during this period of time? Were you required to do any particular thing when high-ranking Japanese officers rode along in automobiles?

A Not that I recall, sir.

GENERAL DONOVAN: That is all I have.

COLONEL MEEK: I have one more question.

RECROSS EXAMINATION

Q (By Colonel Meek) On your visits to Santo Tomas did you at any time learn of the escape and the execution by the Japanese of three British subjects?

A At that time, sir, I can remember there was -- I don't think they were British subjects, but I heard about it.

Q Do you remember of the execution of some internees from Santo Tomas?

A Yes, it was in the paper.

Q It was in the paper?

A Yes, sir.

COLONEL MEEK: That is all I have.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT PELZ: At this time I request the Commission to take judicial notice of the following facts in accordance with the rules and regulations under which this

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Q It was in the paper?

A Yes, sir.

COLONEL MEEK: That is all I have.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

LIEUTENANT PELZ: At this time I request the Commission to take judicial notice of the following facts in accordance with the rules and regulations under which this

Commission is proceeding.

On 14 August 1943, the German and Italian Governments, through Marshal Pietro Badoglio, declared the City of Rome to be an open and undefended city. After consideration of this proclamation, the Allied Powers, through General Eisenhower, declined to accept this declaration. The reason given was that Rome was being used for military purposes, particularly the passage of military traffic through the city.

I request that the Commission take judicial notice of those facts.

GENERAL DONOVAN: I would like to have a copy of that. Have it written out and furnish us with a copy. We will take a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

GENERAL DONOVAN: In connection with the request of the Defense to take judicial notice of the statement in connection with the open city, the Court accepts that and does take such notice.

SHUSUKE HORIGUCHI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Lieutenant Onodera, Staff Sergeant Ogita and Staff Sergeant Kato:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, please?

A Shusuke Horiguchi.

Q What is your home address?

CAPTAIN OTT: I would like to advise the Commission that the witness understands some English and speaks very little of it, but it is almost impossible for this witness to be interrogated in English.

GENERAL DONOVAN: That is all right. We will take the usual procedure.

THE WITNESS: (Through Interpreter Onodera) Gumma Prefecture, Seta Gun, Komagata Machi, number 181.

Q (By Captain Ott) Are you a regular Japanese Army officer?

A Yes.

Q When did you join the Japanese Army?

A In 1922.

Q Are you a doctor?

A Yes.

Q What medical school did you attend?

A The Tohoku Imperial University.

Q When were you graduated from the university?

A In 1922.

Q Were you assigned to the 14th Army?

A Yes, on the 15th of November 1941.

Q The 14th Army was then commanded by General Homma?

A Yes.

Q What was your assignment with the 14th Army?

A I was the head of the medical section of the 14th Army.

Q How long were you assigned with the 14th Army?

A From the 15th of November 1941 to the 15th of October 1942.

Q What was your rank at the time that you were assigned to the 14th Army?

A Colonel, Medical Corps.

Q At the time of your assignment to the 14th Army, did you know what their mission was?

A I did not know exactly the mission, but I did know that they were to engage in operation in the tropical area.

Q When did you find out what the mission of the 14th Army was?

A The latter part of November.

Q As chief medical officer, did you examine the plans for medical supplies?

A I had only 18 days before we left Formosa, and I could not make a thorough preparation, but I did make some preparation.

Q Did you examine any plan for medical supplies? Was there any provision made for medical supplies for the 14th Army?

A Estimating the strength of the 14th Army at 100,000, I wanted to carry medical supplies enough for four months.

Q Is that the standard level of supplies in the Japanese Army?

A Yes.

Q According to this standard, how many line of communication hospitals were required?

A Eight is required.

Q How many line of communication hospitals did you have when you left Formosa?

A Four.

Q How many field hospitals would an army of 100,000 require under the Japanese standard?

A Ten.

Q How many beds in a field hospital?

A 500.

Q How many beds in a line of communication hospital?

A 1000.

Q How many officers in a complement for a field hospital, medical officers?

A 11.

Q How many noncommissioned officers?

A 20.

Q How many enlisted men?

A 100.

Q Now, in the line of communication hospital, how many medical officers?

A 20.

Q How many noncommissioned officers?

A 40.

Q How many enlisted men?

A 200.

Q Now, how much personnel did you have when you left Formosa for the Philippines? First, in regard to field hospitals, and, second, in regard to line of communication hospitals?

A There were seven field hospitals and four line of communication hospitals. I had 157 officers, 150 noncommissioned officers, 1500 enlisted men.

Q How much quinine was it planned to take to the Philippines?

A The supply for one month is 10,000,000 tablets, and for four months 40,000,000 tablets.

Q That was the standard allotment, is that right?

A Yes.

Q What is the weight of a tablet of quinine?

A The weight of the tablet is one gram. However, the contents is .2 gram of quinine.

GENERAL DONOVAN: The Commission won't quarrel about that. The witness has already testified that it took so many tablets for a certain period of time.

CAPTAIN OTT: I understand the answer is .2 of a gram, is that right?

INTERPRETER ONODERA: Yes, sir.

Q (By Captain Ott) Is there a specific medicine for the treatment of dysentery?

A (Through Interpreter Onodera) Yes, emetin.

Q Now, before leaving Formosa, did you check the supplies that you had in your possession with the amount called for by the standard plan?

A Yes.

Q How did they compare?

A We had only 10,000,000 tablets of quinine, which was one-fourth of the required amount; the medicine for the gas gangrene, we only had one-third of the required amount; the tetanus medicine, one-third of what we needed; the emetin, one-hundredth of what we needed; the medicine for diphtheria, we had none; other medicines we had the

required amount.

Q Prior to the war, where did Japan get quinine?

A Japan imported quinine from Java.

Q Was Japan able to get any quinine from Java prior to December 8, 1941?

A Because of the economic blockade, Japan was not able to import any quinine from Java for one year prior to the outbreak of the war.

Q What economic blockade was that?

GENERAL DONOVAN: We are not interested in any economic blockade. We want to find out about the Philippine Islands, and what this witness knows. He was short of medicines, and --

CAPTAIN OTT: I want to show the reason for it.

GENERAL DONOVAN: We will assume there was a reason for it. The fact is he was short; we are not interested in any economic blockade at all.

Q (By Captain Ott) Where did Japan purchase emetin?

A From Germany.

Q Was Japan able to purchase emetin from Germany prior to December 8, 1941?

A We were not able to obtain any after the outbreak of the Russo-German war.

Q What was the stock of emetin in Japan on December 8, 1941?

A I was not in the central office, so I do not know the exact amount of the stock of emetin. However, I do know that there were only a few -- there was very little of it.

Q Prior to leaving for the Philippines, was any effort made to secure additional medical supplies for the 14th Army?

A Yes.

Q What was done?

A On the 20th of November, I dispatched Lieutenant Colonel Hasegawa, who was a member of the medical section, to Tokyo, and had him requisition medicines and an increase of the line of communication hospitals, to come up to the standard.

Q What did Lieutenant Colonel Hasegawa report?

A He reported by telegram on the 22nd of November that his request was rejected.

Q When did he return to Formosa?

A He came back on the 25th by plane.

Q Did he bring anything with him?

A No, he did not return with anything.

Q Did the 14th Army have atabrine?

A The 14th Army itself bought 100,000 tablets from a merchant in Kobe.

Q Who made that purchase?

A Lieutenant Colonel Hasegawa.

Q Was that authorized by the 14th Army?

A It was authorized by the 14th Army, but it had nothing to do with the central authorities.

Q Is atabrine a medicine which is allotted to the Japanese Army, standard equipment?

A At that time, atabrine was not a standard equipment.

Q When did it become standard?

A I think it was in the middle of 1942.

Q When was the 48th Division of the 14th Army transferred to Java?

GENERAL DONOVAN: Do you want to assume that this chart is correct, and go on from there? It is on this movement chart, isn't it?

CAPTAIN OTT: I don't believe so, sir.

GENERAL DONOVAN: Do you want to assume that the chart you submitted is correct, and go on from there, rather than go all over that again?

CAPTAIN OTT: I want him to bring out this point: The 48th Division was ordered to move out on the 8th, and actually moved out about two months later and took considerable medical equipment with them.

GENERAL DONOVAN: You mean this chart is not correct on that date?

CAPTAIN OTT: Well, I understand it was the 8th or 9th, or something.

GENERAL DONOVAN: But didn't he move out until two months after this date?

CAPTAIN OTT: About two weeks later.

GENERAL DONOVAN: Say in January, and let us go from there; let us assume they moved in January.

Q (By Captain Ott) When the 48th Division moved out of the Philippines to Java in January, what medical equipment and personnel did it take with it?

GENERAL DONOVAN: Would you care to change that a little bit and add "other than the regularly assigned personnel," so we won't have to go over everything they had

in the division? Are you trying to show that there was something in there that was in addition to the --

CAPTAIN OTT: Yes, I was, but I thought the question was complicated enough.

GENERAL DONOVAN: Or make it "other than organic things," so we know where we stand on it; because we don't know whether it is in the division, outside the division, or in addition to what they ordinarily would have.

CAPTAIN OTT: I intended to ask that question later.

GENERAL DONOVAN: All right. Go ahead with the question.

A (Through Interpreter Onodera) The 48th Division and the 100th line of communication hospital left for Java in the middle of January. The 48th Division took with it about 110 medical officers. The line of communication hospital took 20 medical officers. As for medical supplies, they took about half of the supplies that were brought to the Philippines by the 14th Army.

Q What field hospitals did the 48th Division take with it?

A They took four field hospitals.

Q Was that movement made by orders from the Japanese Imperial Headquarters?

A I think it was ordered by the Southern Supreme Army.

Q Did you make any request after the departure, about the time of the departure of the 48th Division, for more medical supplies, personnel and hospitals?

A I heard that the 65th Brigade was coming in in

place of the 48th Division, which went out, and I heard that the 65th Brigade had one field hospital. Therefore, I requisitioned for medical supplies, but I did not ask for personnel.

Q What medical supplies did you ask for?

A About a two or three months supply of all the medicines.

Q To whom was that request made?

A To the Southern Supreme Army, and also to the Imperial GHQ.

Q Did you receive an answer to that request?

A They would make a study of replenishing the supply, but we did not actually receive any supplies.

Q Was there a promise of any definite amount of supplies or a hospital; supplies and hospital?

A No, there was not.

Q Did you make any further request from the Southern Army or Tokyo for medical supplies in January?

A Yes.

Q Did you in February?

A Yes.

Q How often?

A Ten and some odd times; somewhere from 11 to 19. In the early part of February Lieutenant General Aoki, who was the chief of the medical section of the Southern Supreme Army, came down to the Philippines for an inspection, so I personally explained the situation and requested replenishment of medical supplies and personnel.

Q What did he say?

A "I will go back and study the matter and then we will send you some."

Q Did you tell Lieutenant General Aoki what supplies, what medical supplies, the Japanese Army had at that time?

A Yes. I told him that the quinine tablets will run out in ten days, and that there was practically no emetin medicine.

Q Did you ask Lieutenant General Aoki for an additional line of communication hospital?

A Yes, I did. However, Lieutenant General Aoki said that in order to carry out the operations in the south by the Southern Army, he wanted to take one more line of communication hospital out of the 14th Army.

Q What did you say to that?

A So I told him, "If you take it we will be in a difficult position."

Q Did he promise to send you any additional hospitals?

A No, he did not.

Q In January was an order issued by the 14th Army as to the use of quinine by the soldiers?

A Because there were not enough tablets to go around to all the troops, we used as a preventive measure -- the tablets were issued only to the front line troops, to be taken as a preventive medicine, and was discontinued for the rear echelon.

Q About what date was that?

A It was the middle of January. It was because the 48th Division had moved out and took half of the medical supplies and the medical supply had gone down.

Q Was any further order issued by the 14th Army in regard to the use of quinine by the soldiers?

A On the 10th of March, the use of quinine as a preventive measure was altogether stopped because the supply was so low, and thereafter only the serious patients in the hospital were given quinine tablets.

Q Did you have any conversation with Colonel Okada here in the Philippines?

GENERAL DONOVAN: We will take a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

CAPTAIN OTT: Will the reporter read back the last question? There is a question pending. May it be read?

(Question read.)

A (Through Interpreter Ogita) On March the 10th Colonel Okada, the medical officer from the Imperial General Headquarters, came and at that time I asked him for an increase of line of communication hospitals and also for increasing the medical supplies.

GENERAL DONOVAN: All these conversations come within the period; in other words, early 1942.

Q (By Captain Ott) What date was that?

A (Through Interpreter Ogita) On March the 10th, 1942.

Q Did you take Colonel Okada through any hospitals?

A Yes.

Q What hospitals?

A I showed him the 76th line of communication hospital

at McKinley, the 96th hospital in Manila, and the 75th in San Fernando.

Q Was there sufficient personnel in these hospitals, medical personnel?

A The standard for Japanese Army is one medical officer for every 50 patients. However, at that time there were many Japanese patients, and the patients were increased by two or three times for each officer. The officers, medical officers, and noncommissioned officers were insufficient.

Q Did you complain to Colonel Okada of this condition?

A I asked him to send one hospital immediately, and I also asked him to replenish the medical supplies immediately.

Q What did he say?

A He sent a wire to Tokyo informing them of the great number of patients and the small amount of medicine. Thus, he complied with my request.

Q Was an order issued pursuant to that request?

A An order was issued from Tokyo to give the 116th line of communication hospital to the 14th Army in the middle of March. This hospital arrived in Manila during the beginning of May.

Q Did the 4th Division arrive in the Philippines?

A I think it was during the beginning of March.

Q What medical supplies, equipment and personnel did it bring with it?

A It is standard procedure for a division to have four field hospitals, but they only brought two. As for

the personnel, they lacked about 30 medical personnel from the standard.

Q Did it bring with it a line of communications hospital?

A The 4th Division did not bring the line of communication hospital.

Q When did it leave the Philippines?

A In the middle of June. They took all the field hospitals and went back to Osaka.

Q What medical equipment and supplies did it take with it?

A Medical supplies necessary for the trip; they took all the division supplies.

CAPTAIN OTT: Sir, may I have that answer read back?

(Answer read.)

CAPTAIN OTT: I am informed by Mr. Kishimoto here that there's a possibility of an error in interpretation.

GENERAL DONOVAN: What is the difference?

CAPTAIN OTT: One line of communication hospital. The question was, did he complain about it. The answer was that he asked one line of communication hospital be sent, and I understand the answer was two line of communication hospitals.

GENERAL DONOVAN: Have you any objection to that?

INTERPRETER OGITA: May we ask him again?

GENERAL DONOVAN: Yes.

CAPTAIN OTT: That is in regards to Okada.

INTERPRETER ONODERA: We are right, sir, one.

GENERAL DONOVAN: One is the answer. Let's go.

Q (By Captain Ott) Now, at the beginning of the second Bataan offense by the Japanese Army, what was the condition of the Japanese soldiers?

A Because of the fierce operations on the second Bataan campaign and the lack of food after the operation was over, the soldiers were very exhausted -- in an exhausted condition.

Q Have you made a tabulation from memory of the number of casualties, battle casualties; the number of Japanese soldiers ill from different diseases?

A Casualties --

GENERAL DONOVAN: Are the casualties, battle casualties, important particularly, unless they were diseases?

CAPTAIN OTT: They took up hospital space; they had to be cared for. I don't think you could separate them.

COLONEL MEEK: What period of time?

CAPTAIN OTT: I think the tabulation will show. I think he has it with him; I will be surprised if he doesn't.

A (Through Interpreter Ogita) Yes.

CAPTAIN OTT: Will you refer to it, please?

GENERAL DONOVAN: You have no objections, have you, Colonel Meek?

COLONEL MEEK: I would just like to know when it was made.

CAPTAIN OTT: I will ask him.

COLONEL MEEK: And from what source he gathered his information.

Q (By Captain Ott) When did you make that tabulation?

A It is a copy of the report which was sent to the

central headquarters during the operation.

Q When did you copy it?

A I copied it in Tokyo before I came.

Q And you know that it is a true and correct copy of that report?

A Yes, I swear.

GENERAL DONOVAN: No objections, it is accepted. In connection with it what is to come up now? The Commission would like only so much of the information that would prove the particular point that you want. We don't want a lot of statistics.

CAPTAIN OTT: I think the statistics here are rather important.

GENERAL DONOVAN: If you show enough of it for that. The point is that the hospitals were overcrowded. Give enough of the statistics to indicate that. We don't want a lot of details in connection with the statistics. He has about ten papers in his hands. If you understand what we want, go ahead with the question.

Q (By Captain Ott) Was this tabulation made according to periods of time?

A It was made by periods of operation.

Q Would you tell the Commission what appears in that tabulation?

A For the operation against Manila for the period starting December 8, 1941, until January 2, 1942, the deaths in the Japanese Army was 620, injured 1300, sick 2700. For the first Bataan operation for a period covering January 8, 1942, until March 30, 1942, deaths 2700, wound-

ed 4050, sick 15,500.

Q Will you state when you say sick what diseases?

A In the Manila operation in January dengue fever prevailed, and also diarrhea; for the first operation on Bataan there were 500 cases of dysentery and about 3000 cases of malaria.

GENERAL DONOVAN: That is all right. That is fine.

CAPTAIN OTT: He has one or two more periods.

GENERAL DONOVAN: That is all right. That is what we want. We don't want too much.

A (Through Interpreter Ogita) For the second Bataan operation covering a period starting 31 of March 1942 until 10 of April 1942, deaths 380, wounded 1020, sick approximately 36,000. Of the sick approximately 1000 had dysentery, and of the remainder approximately 28,000 had malaria.

For the Corregidor campaign, covering a period starting April 10 to 19 --

GENERAL DONOVAN: Before he gives that I would like to get one thing straightened out on the second Bataan. The total battle casualties amounted to around 1400, as I understood it, and the total non-battle casualties 36,000. I want to find out if that is correct. Read back about the second of Bataan.

(Record read.)

GENERAL DONOVAN: 36,000 or 3600?

Q (By Captain Ott) Was the number of sick 36,000 or 3600?

GENERAL TRUDEAU: It is only a 10 day period.

GENERAL DONOVAN: That is way out.

A (Through Interpreter Ogita) 30,600; not 3600.

GENERAL DONOVAN: Not 3600? That is the important thing.

A (Through Interpreter Ogita) 30,600 and not 3600.

GENERAL DONOVAN: When was that period, March and April. What period does that cover?

CAPTAIN OTT: What period does that cover?

A (Through Interpreter Ogita) The battle casualties covered a period of 10 days, but the sick covered a period of one month. In other words, from 31 of March until 30 of April.

Q (By Captain Ott) In other words, people that were ill and reported ill in an earlier period may still be reported later in a later period. That is an accumulation, is that right?

A (Through Interpreter Ogita) The patient who had not recovered was also listed as a patient for the following month.

GENERAL DONOVAN: That is all right.

A (Through Interpreter Ogita) For the Corregidor campaign covering a period of 10 April until May 7, dead 400, wounded 460; the sick covering the month of May, 50,000. That completes the tabulation.

CAPTAIN OTT: That completes the tabulation.

GENERAL DONOVAN: What was that sick again?

A (Through Interpreter Ogita) 50,000.

Q (By Captain Ott) Will you state what diseases the

soldiers had?

A (Through Interpreter Ogita) About 80 per cent had malaria, and the rest had dysentery and beri-beri.

Q You say the rest. Do you mean that 80 per cent had malaria, that the 20 per cent who didn't have malaria had dysentery? I would like an explanation.

A Yes.

Q How many Japanese soldiers at the time you mentioned had no illness at all?

A In Bataan 20 per cent of the whole strength of the Japanese Army were healthy.

COLONEL MEEK: Read that.

(Answer read.)

A (Through Interpreter Ogita) Only 20 per cent of the whole army was in healthy condition.

Q (By Captain Ott) Now, the figures you have given on illness were accumulated, is that right?

GENERAL DONOVAN: Yes, we realize that.

GENERAL TRUDEAU: Do they include everybody on sick report or do they include field admissions to line of communication hospitals?

Q (By Captain Ott) Do they include everybody on sick report or do they include field admissions to line of communication hospitals?

A (Through Interpreter Ogita) In the line of communication hospitals at the time there were sometimes five or six times as many patients as they could handle, so the rest of the sick patients were being treated in tents by their respective units in the mountains, under trees

or by rivers.

Q In other words, people that were reported ill they may not be in a hospital, is that right?

A Yes.

GENERAL DONOVAN: The Commission would like to get a copy of that. Submit it with a full explanation of these columns and what they mean.

CAPTAIN OTT: Yes, sir, we will furnish a copy.

GENERAL DONOVAN: We have some very large figures, and I would like to know exactly what they mean. Put it in as an exhibit, will you please?

CAPTAIN OTT: Yes, sir.

Q (By Captain Ott) At the beginning of the first Bataan offensive was there any order issued reducing the ration of the fighting forces, Japanese forces?

A (Through Interpreter Ogita) Around the middle of February, due to the shortage of food, the Japanese Army decreased rations to two-thirds of the standard ration.

Q Will you state what the ration, standard ration was -- or is, and what they were actually getting, by item?

INTERPRETER OGITA: Will you repeat that, please?

Q (By Captain Ott) Will you state what the standard Japanese ration for a combat soldier was at that time, and what was actually being issued after the second -- I mean the first offensive on Bataan, the beginning of the first offensive?

A (Through Interpreter Ogita) This is the standard amount: Rice, 800 grams; vegetables, 800 grams; bean paste, 15 grams; salt, 15 grams; Japanese tea, 5 grams;

sugar, 10 grams; canned fish or meat, 100 grams.

The combat soldiers actually received the following: Rice, 570 grams; vegetables, cabbage or onion once in a while; meat or fish, about 50 grams per day about twice a week; practically no Japanese tea. The rest was according to the standard.

Q Did any of the Japanese soldiers then or at a later period suffer from beri-beri?

A Yes.

Q About how many cases?

GENERAL DONOVAN: He must have testified to that in connection with the chart, the figures that he just gave.

A About 3000 patients of the total number of patients.

Q (By Captain Ott) Is that shown on the chart that you have?

A It is not on the chart, but since I have seen various hospitals I can make an estimate.

Q Were patients suffering from malaria and dysentery also suffering from beri-beri?

A There were many patients who had both malaria and dysentery, and also there were some patients who had beri-beri at the same time. The 3000 that I mentioned are just beri-beri patients.

Q During what period of time was that?

A It is the fact covering the month of May; it is the month of May.

Q How were the Japanese soldiers suffering from malaria, dysentery and other diseases, evacuated from Bataan?

A From the front line to the field hospital, patients

of light cases walked. Serious cases were carried on litters. From the field hospital to the line of communication hospital, ships and ambulances were used.

Q What medical treatment was given these patients, Japanese soldiers, who were ill from malaria and dysentery, prior to their removal?

A The proper treatment for malaria patients consists of 5 tablets of quinine a day. However, since there was a lack of quinine, one or two tablets were given each day, and aspirin was also used to supplement it.

As for the dysentery cases, since we had no emetin, charcoal powders were given.

GENERAL DONOVAN: Before you ask any other questions, please, we will recess until 1330.

(Whereupon, at 1125 hours, a recess was taken until 1330 hours, 2 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

SHUSUKE HORIGUCHI

a witness on behalf of the Defense, on the stand at the time of recess, having been previously duly sworn, resumed the stand and testified further as follows, through Interpreters Lieutenant Onodera, Staff Sergeant Ogita, and Staff Sergeant Kato:

DIRECT EXAMINATION (resumed)

Q (By Captain Ott) What protective devices or repellants were issued to Japanese troops as protection against mosquitoes?

A While the supply of quinine lasted, each soldier was given a tablet of quinine a day. Besides this, each soldier and officer was equipped with a mask and gloves.

Q Will you describe the face mask and the gloves?

A It was a mask made of thin hemp netting.

Q Was any pyrethrum issued to the Japanese soldiers?

GENERAL DONOVAN: Write it down.

CAPTAIN OTT: I did.

GENERAL DONOVAN: Can the witness read that?

CAPTAIN OTT: I don't know whether he can or not.

A (Through Interpreter Ogita) No.

GENERAL TRUDEAU: What is it, a repellant?

CAPTAIN OTT: Yes.

GENERAL TRUDEAU: Then just ask him that. That is a trade name, "Pyrethrum."

THE WITNESS (through Interpreter Ogita): The units did not have any of that.

Q (By Captain Ott) Was any kind of repellant used by the Japanese soldiers, mosquito repellant?

A No, they were not equipped.

Q Did the Japanese soldiers have mosquito netting to place over them at night?

A The front line troops did not have mosquito nettings at all. However, in the rear area hospitals they had mosquito nettings, and also when the troops were to stay at one place for any length of time they were equipped with mosquito nettings which would accommodate about 20 persons.

Q Do you know of any plan for the evacuation from Bataan of prisoners of war, and their concentration at O'Donnell?

A I knew about the general plan.

Q Did you ever receive any orders concerning that plan, or issue any orders?

A The head of the medical section does not have the right to issue orders, so orders were not given.

Q Was the medical department to take any part in the execution of that plan?

A There was a chance for the medical department section to give opinion to the staff concerning this plan.

Q Did they give any advice concerning the plan?

A Yes.

Q What was the advice it gave?

A In that plan, we had an order put in to the effect that during the transportation of sick patients, the various line of communication hospital branches in Lamao, Limay, Balanga, Orani, and San Fernando, would take in the patients.

Q How many ambulances did the Japanese Army have?

A The whole 14th Army had 30 ambulances.

Q Where were they at the time of the fall of Bataan?

A Five of the ambulances were in Manila, being used for the transfer of patients between line of communications hospitals. Ten of them were attached to the 16th Division and the 65th Brigade, facilitating the transportation of patients in their movement. Fifteen ambulances were on Bataan, traveling between branch line of communications hospitals and San Fernando.

Q Were other vehicles than ambulances used to transport persons suffering from illness?

A We asked a staff member who was connected with the line of communications to give us more vehicles, but they refused us, saying that they didn't have any.

Q Do you know whether vehicles other than ambulances were actually used for the transport of patients?

A At times two or three trucks were used to transport patients when they were going towards San Fernando empty.

Q Do you know whether any vehicles were used to transport prisoners of war who were ill?

A Yes.

Q Do you know to what extent?

A From April 13, 1942, for a period of about four days, 15 ambulances were used to transport prisoner patients. On top of this, 10 to 15 line of communications vehicles also aided in the transportation of sick prisoners.

Q How long did it take to evacuate Japanese soldiers who were ill, from Bataan?

A Due to the fact that there were many patients and very few ambulances, it took the whole month of May.

Q What was the condition of the hospitals in Manila at the end of May?

A Various hospitals were very crowded, each having about 8,000 patients. The treatment by doctors and the nursing was not satisfactory -- or adequate.

Q Prior to the removal of the Japanese patients from Bataan to Manila, what food were they being given?

COLONEL MEEK: I didn't get that question.

(Question read.)

INTERPRETER OGITA: Japanese patients?

CAPTAIN OTT: Yes.

A (Through Interpreter Ogita) In the hospital, even the patients could not be given nourishing food. Mostly a thick rice gruel.

Q (By Captain Ott) Anything else?

A A very small amount of canned fish, and a small amount of biscuit.

Q After the fall of Bataan, did you make any further requests upon the Southern Army or Tokyo for additional

medical supplies for personnel or hospitals?

A On April 18, 1942, there was discovered that a great number of Japanese soldiers and a great number of prisoners had malaria. We requisitioned to Tokyo and the Southern Army by wire 50 medical officers, 500 sanitation non-com's, and 10,000,000 tablets of quinine.

Q Did you get any answer to this request?

A We received a reply by wire from the Southern Army. The contents was that they would send personnel and medicine after a study of the situation.

Q Did any quinine arrive?

A On April 26, 1942, Colonel Tamada, Medical Section of the Southern Army, brought 300,000 tablets of quinine by airplane.

Q Did you get any emetin?

A We did not receive any at all.

Q As long as you were in the Philippines did you receive any emetin?

A We did not get any at all.

Q Did you see any prisoners being evacuated from Bataan?

A Yes, on the evening of April 10 I saw prisoners concentrated near a river in Balanga.

Q How many prisoners were there?

A About three or four hundred.

Q Were any civilians there?

A There were about 3,000 civilians.

Q Were either the prisoners or the civilians being fed?

A Near the bridge in Balanga I saw rice being cooked

and offered to the people.

Q What about the prisoners?

A They were all receiving it together.

Q What else were they getting besides the rice?

A I saw them receiving canned fish.

Q Anything else?

A I didn't see anything else.

Q Did you examine any of the prisoners?

A I looked over the prisoners that were grouped around there with Major Sekiguchi of the Medical Section.

GENERAL DONOVAN: There will be a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

Q (By Captain Ott) What I meant is: Did you make a medical examination, a physical examination of any of the prisoners?

A To who, and where?

Q Did he, himself, personally make it?

GENERAL DONOVAN: Will you speak a little louder so everyone can hear you?

CAPTAIN OTT: The question I asked was this: Did you personally make a medical examination by physically examining any prisoners of war?

A (Through Interpreter Ogita) I did not make a physical examination, but I observed them when I was passing there.

Q (By Captain Ott) Did you investigate the water

situation at Balanga?

A I saw that in the clearing where the prisoners were gathered, that there was a well, and nearby there was a river.

Q Did you test the water in the river for purity?

A No, I did not test it.

Q Did you test the water in the well for purity?

A By the well there was a sign which said "Drinking Water."

Q Did you examine any sanitary conditions at Balanga while you were there?

A The sanitary conditions of the prisoners?

Q No; I mean of the camp -- latrines, and things like that.

A There was no latrine.

Q Did you make any recommendation at all with regard to the care of the prisoners at Balanga after that visit?

INTERPRETER OGITA: Will you repeat that question?

(Question read.)

A (Through Interpreter Ogita) Since there was no latrine where the prisoners were gathered I notified the man in charge to have latrines dug.

Q (By Captain Ott) Do you know whether that was done?

A I think that was carried out.

Q Did you see the prisoners at any other time en route from Bataan to Camp O'Donnell?

A I did not see any of them personally.

Q Did you personally make an inspection trip at Camp O'Donnell?

A I did not go personally.

Q Did you personally make an inspection trip at Cabanatuan?

A I did not go personally.

Q Did you personally make any inspection trip at Old Bilibid?

A Yes. At the end of July I went to Old Bilibid with Major Sekiguichi of the Medical Section and Lieutenant Colonel Kuriyama, who is the head of the Line of Communications sanitation unit.

Q What did you find there?

A Accompanied and led by an American medical major I saw the whole camp.

Q What did you see?

GENERAL DONOVAN: What are you looking for? What are you trying to get from this witness?

CAPTAIN OTT: We want to know about the medical supplies, hospital equipment, water, and food.

GENERAL DONOVAN: Let's get on with the questioning and see if we cannot get somewhere now.

A (Through Interpreter Ogita) As far as living quarters were concerned it was sufficient. Most of the prisoners each had beds. A very small number of prisoners had to sleep on boards on top of blankets or quilts. There was plenty of water, because pipes were laid out. I asked about the food situation and they said there was no shortage. I also asked about the medical supplies, and they also said there was no shortage of any type of medicine. There were hardly any sick persons there.

Q Did any officer from your medical section inspect Camp O'Donnell?

A I sent Major Sekiguchi on April 17th.

Q Did he report to you as to the conditions at Camp O'Donnell on his return?

GENERAL DONOVAN: Would you change that question so we can save a little time? Ask him what was the result of his inspection, if he made a report on it.

Q (By Captain Ott) If he reported to you, what did he report on his return?

A He reported that the prisoners were in very poor physical condition. About one-half of them had malaria. There were many cases of dysentery and malnutrition. The water supply was inadequate and the housing was also inadequate. He also reported that there was a shortage of food.

I want to make an addition: There were also many dysentery patients.

Q Did he report on the latrine facilities?

A He said that there was inadequate latrine facilities.

Q Did he report as to the death rate at Camp O'Donnell?

A He reported that about 200 persons died each day.

Q Did he report that he had made any recommendations to the camp commandant?

A Yes.

Q What were those recommendations?

A He reported that he ordered the camp commandant to isolate the sick patients from the healthy prisoners. Also he ordered the camp commandant to make a survey of the

noncommissioned officers of the Medical Corps among the prisoners and other medical officers.

He also ordered the camp commandant to have latrines dug.

Q After this report did you and he take this question up with Colonel Takatsu and Colonel Wada that same evening?

A Together with Major Sekiguchi we reported to Colonel Takatsu, Colonel Wada, and the chief of staff, Wachi.

Q Was there any decision reached at that meeting?

A Yes.

Q What was that decision?

A First, dispatching of well-digging units to make the water supply sufficient. Second, to dispatch a construction company to construct and repair housing. Third, to make the food situation -- to improve the food situation, and order the Intendance Department to supply more food. Fourth, for the inadequate medical supplies, as far as the malaria patients were concerned we were to issue quinine. However, the Japanese Army did not have much quinine, so the amount of quinine was very small. As for the dysentery patients, for antiseptic purposes lime and creosote were to be issued, and for dysentery patients to take by mouth, since we had no emetin, activated charcoal was to be furnished. Also other medical supplies such as bandages and aspirin were to be given.

Q Was it decided at that meeting to send another request to the Southern Army and Tokyo?

A Yes, we requisitioned for medical supplies and also for the personnel which we requisitioned previously. They hadn't arrived yet.

Q How much medical supplies was that? I refer to quinine particularly.

INTERPRETER OGITA: That was requisitioned?

CAPTAIN OTT: Yes. How much was requisitioned, that you were asking to have filled, in quinine?

A (Through Interpreter Ogita) As a one month's supply, we requisitioned for 10,000,000 tablets.

Q (By Captain Ott) Did you request any emetin at that time?

A We had requisitioned previously, so we did not requisition for emetin at this time.

GENERAL DONOVAN: Didn't this witness testify that he never had any emetin at any time in the Philippine Islands?

CAPTAIN OTT: Yes, sir.

GENERAL DONOVAN: All right, that closes the emetin; at least we have got the emetin straightened out. He says he never received any.

CAPTAIN OTT: I want to show he frequently requested it.

GENERAL DONOVAN: He has shown that, that he has requested it at least ten times, the emetin.

Q (By Captain Ott) Now, were any orders issued for the execution of these decisions that were reached?

A During that same day, orders were given from the staff.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present, and we are ready to proceed.

Q (By Captain Ott) About how many more trips did Major Sekiguchi make to Camp O'Donnell?

A (Through Interpreter Ogita) Next time he went was on the 19th of April, 1942.

Q How many other trips did he make? Did he make them periodically or when?

A For the purpose of liaison, he went about twice a week.

Q Now, after the prisoner camp at Cabanatuan was set up, did he also go over to Cabanatuan at the same time?

A In the beginning of June, I sent Major Sekiguchi for an inspection of Cabanatuan.

Q And how often did he visit Cabanatuan prior to August 5, 1942?

A From the beginning of June, he went to Cabanatuan about once a week for the purpose of liaison and instruction.

Q Did he visit Old Bilibid Prison?

A Yes.

Q About how many trips did he make to Old Bilibid

Prison prior to August 5, 1942?

A I remember about four times.

Q Now, would you tell the Commission what the nature of those reports were generally, from the last one that you explained to August 5, 1942?

INTERPRETER OGITA: May I have that question read?

(Question read.)

GENERAL DONOVAN: This is at what place? Is this Cabanatuan now?

CAPTAIN OTT: As to Camp O'Donnell first.

A (Through Interpreter Ogita) The health of the prisoners of war was not good, generally. At that time, the death rate was high in April, but until May the death rate gradually became lower. However, it was not good. This covers the period between April and the middle of May. From the middle of May until the end of June, the condition of the prisoners improved greatly.

From July to August, since the Army supply of medicine increased, the death rate went down considerably. At that time the death rate was only about 2 per cent of the total number of prisoners.

Next I will speak of Cabanatuan: At first reports came in about the insufficient food and medicine, so the army ordered to remedy this.

In June and July, about 60 per cent of the prisoners were patients.

In August, because the food was improved and the medical supply was increased, the death rate decreased greatly. At that time the death rate was around 3 per

cent of the total number of prisoners.

Q How about Old Bilibid Prison?

A At the Old Bilibid Prison, from the very beginning there was no lack of medicine, and there were very few patients; therefore, there was not much change between the beginning and the end.

Q Now, when Major Sekiguchi reported to you, did he also report to Colonel Wada and the chief of the Intendance Department?

A When Major Sekiguchi made an inspection trip, he also reported to myself and also Colonel Takatsu and Colonel Wada of the staff, and to an officer of the Intendance Section, and the Chief of Staff, and orders were issued concerning these matters after discussion.

Q Now, from the last request that you testified about until August 5, 1942, were further requests for medical supplies and equipment made on the Southern Army or upon Tokyo?

A Yes.

Q About how many during that period?

A I remember over ten times.

Q Did you receive any medical supplies in the Philippines, after the last 300,000 that you said were flown over here, 300,000 tablets of quinine were flown over?

A At the end of June, 1,000,000 quinine tablets were received from the Southern Army. Also in mid-July the same amount was received from the Southern Army in Manila.

Q After the capture of Java by the Japanese Army, was quinine obtained in Java?

A Yes.

Q When?

A I don't remember exactly when, but from June it was supplied to the army.

Q Did Major Sekiguchi ever report the number of deaths at Camp O'Donnell?

A When he went for an inspection on June 10, he reported on the number of deaths up to that date.

Q All right. Will you state the number of deaths that he reported?

A Is it all right if I look at my memo?

GENERAL DONOVAN: Yes, let him look at anything he wants to.

(Translated to witness by Interpreter Ogita.)

A (Through Interpreter Ogita) He reported that the total number of prisoners present on June 10 was 68,575; the total number of deaths up to that date, 16,871; the total number of patients, 16,091.

Q (By Captain Ott) Was it ever reported to you, or to anyone in your staff, to your knowledge, that the camp commandant at Camp O'Donnell refused to allow food or medicine to be given to prisoners at Camp O'Donnell?

GENERAL DONOVAN: Now, just a minute. He still has something to say there.

A (Continuing) This is a grand total, including Americans and Filipinos.

GENERAL DONOVAN: Now, will you read the question and the entire answer, please.

(The question and answer referred to were read as

follows:)

"Q Will you state the number of deaths that he reported?

"A He reported that the total number of prisoners present on June 10 was 68,575; the total number of deaths up to that date, 16,871; the total number of patients, 16,091. This is a grand total including Americans and Filipinos."

GENERAL DONOVAN: Ask him if that figure is correct, 16,871.

Q (By Captain Ott) Is the figure of 16,871 dead correct?

A (Through Interpreter Ogita) This is the accurate number reported to Major Sekiguchi by the camp commandant.

GENERAL DONOVAN: At where?

THE WITNESS: (Through Interpreter Ogita) Camp O'Donnell.

COLONEL MEEK: Up to what date?

GENERAL DONOVAN: June 10.

THE WITNESS: (Through Interpreter Ogita) These figures are the totals which were submitted in reports by the various camp commandants to the army, and totaled by the army.

GENERAL DONOVAN: We understand that.

Q (By Captain Ott) That includes all prisoner of war camps?

A (Through Interpreter Ogita) Yes.

GENERAL TRUDEAU: Does it include only those deaths after the prisoners were registered in the camp, and not

those on the march to the camp?

THE WITNESS: (Through Interpreter Ogita) It is only the death list after the prisoners came into the camp, and not during the march.

GENERAL DONOVAN: You have a question pending now. Just skip that and ask it over again.

Q (By Captain Ott) Was it ever reported to you, or to any member of the staff, to your knowledge, that the camp commandant at Camp O'Donnell refused to allow food or medicine to be given to prisoners of war?

GENERAL DONOVAN: I would like to ask you to rephrase that. It will be confusing. Cut out two or three lines; it is going to be difficult to get over.

But go ahead, unless you want to put it the other way.

CAPTAIN OTT: I don't think the witness will have any trouble with that.

GENERAL DONOVAN: All right, let it go.

INTERPRETER OGITA: Is that Camp O'Donnell?

CAPTAIN OTT: Yes.

A (Through Interpreter Ogita) I have never heard of any such thing.

Q (By Captain Ott) Now, I spoke of beds. Were beds furnished patients in Japanese hospitals?

A In the line of communication hospitals and field hospitals, the Japanese Army, there are no beds; just blankets.

Q Were there any Japanese nurses in the Philippines?

A In the beginning of January about 80 nurses came from the Japanese Red Cross. They were working in the various Line of Communications hospitals.

Q Is Major Sekiguchi a doctor?

A Yes.

Q Did you ever personally discuss with General Homma the condition in the prisoner of war camps?

A I remember three or four times.

Q What did you tell him?

A I told him that within the prisoners there were many malaria, dysentery, beriberi, and malnutrition patients, and that the condition was poor.

Q Did you tell him the number of deaths reported to you?

A Yes, I remember mentioning it to him.

Q What did he tell you in response to your report to him on the subject?

A He said that, "That is a very tragic situation, and it is necessary for the Army to put in much effort to improve this situation." So they improved the medical situation, the food, and the living quarters, for them. That was an order.

COLONEL MEEK: Will you establish the time?

CAPTAIN OTT: Does the Commission want me to establish the time?

GENERAL DONOVAN: Yes, go ahead.

Q (By Captain Ott) When was the first discussion that you had with General Homma about the conditions in prisoner

of war camps?

A I think it was around the middle of May, after we came back to Manila.

Q And you reported to him at that time the conditions which had been reported to you, is that right?

A After each time Major Sekiguchi came back from an inspection tour it was reported to Takatsu, Colonel Wada, and to the chief of staff. I believe the chief of staff reported to General Homma.

Q Now, I mean only those conversations that you had with General Homma, personally. What did you tell him and what did he say, starting with the first? I think you said there were three.

GENERAL DONOVAN: There will be a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN OTT: There is a question pending. May it be read?

(Question read.)

A (Through Interpreter Onodera) In the middle of May when I saw General Homma I took up the matters pertaining to prisoners of war and their physical condition, the death rate, the conditions of their quarters, and the food situation. General Homma asked me, "Is not the building in Cabanatuan ready yet?"

I answered him, "They are being prepared or newly-constructed right now," and I told him that as far as food

was concerned they were receiving a sufficient amount, and General Homma was satisfied with this answer.

Then I reported to him about the medicine situation and told him that there was not enough medicines even for the Japanese Army and the shortage was acute. General Homma told me to do everything I can about the medical supply, and to supply them.

GENERAL DONOVAN: What is that last?

LIEUTENANT ONODERA: To do everything and supply them.

A (Continuing, through Interpreter Onodera) The second time was in the latter part of June, in Manila. I reported to him that the quarters for prisoners of war in Camp O'Donnell was roughly about 600 houses which could accommodate 50,000 persons. General Homma was satisfied and pleased with this report.

By June the malaria medicines and other medicines were available, and I reported to him that the number of patients had decreased. General Homma was very pleased about this.

The third time was on the 10th of June, and in Manila. I reported to him about the prisoner of war situation again. I told him that in all the prisoners of war camps the patients had decreased greatly and the death rate had gone down. General Homma told me that he was very much pleased, and told me to exert more effort to lessen the number of patients and improve the conditions.

That is all.

Q (By Captain Ott) Now, on each of these meetings did

General Homma evidence his concern over the prisoners?

A He was very much concerned, and he also insisted sternly to improve the conditions as much as possible, of the patients and supply as much as we can from the Japanese Army.

CAPTAIN OTT: That is all I have of this witness.

GENERAL DONOVAN: Colonel Meek?

CROSS EXAMINATION

Q (By Colonel Meek) Where were you assigned, prior to your joining General Homma's staff on the 15th of November, 1941?

A On the 1st of March, 1941, I came to Formosa to become the chief of the Medical Section of the Formosa Army.

Q Wasn't General Homma in command of that army at that time?

A Yes, he was.

Q You stated that you took over as medical chief of the Medical Section about the 15th of November. Whom did you take over from?

A The 14th Army were activated on the 15th of November, 1941, by order of Imperial GHQ. Therefore, there was no one that helped me.

Q From the time you arrived there in March of '41 until you left there for the invasion of the Philippines, as a matter of fact weren't you training troops for tropical invasions during all of that time?

CAPTAIN OTT: I object. He wouldn't be training troops, it is quite obvious.

GENERAL DONOVAN: What is that?

CAPTAIN OTT: This man wouldn't be training troops.

GENERAL DONOVAN: Why not?

CAPTAIN OTT: He may be training personnel in the Medical Department, but I submit he wouldn't be training troops.

GENERAL DONOVAN: I don't see the difference.

Answer the question.

A (Through Interpreter Onodera) To whom do you refer, the Medical Section men?

Q (By Colonel Meek) I mean the Medical Section and everyone on Formosa engaged in the training of soldiers there under General Homma or otherwise.

A I do not understand the meaning of the question clearly.

Q I will try and reframe it for you. Were the troops on Formosa from the time you arrived there or during your stay there in 1941 being trained for tropical warfare?

A I do not believe that they were receiving any special training.

Q You state that you were short of critical medical supplies. You were short of medical officers and personnel. Did you report to General Homma before the start of the invasion that these items were critically short?

A Since the time I received orders and from then on, all the way through, I had always reported to Wada, Takatsu, and Chief of Staff Wachi.

Q Did you report to General Homma?

A It is the custom of the Japanese Army that these

matters, if they are reported to the chief of staff, or to Colonel Takatsu, the matters will be reported on to the commanding general.

Q As head of the medical section for the 14th Army did you feel that from a medical standpoint the invasion could be conducted successfully?

A This was the first time for the Japanese Army to engage in operations for the southern area, and it was the first time for the officers and men to be in the tropical area, and they had received very little, or insufficient training, in tropical warfare. Moreover, in the tropics there would be malaria, dysentery, and many other diseases, and as a medical officer I was greatly concerned about it. I was greatly concerned because there was not enough medicines, and there were so few houses, that if there should arise a great number of patients we would be in trouble.

Q My question again was, as chief or head of the medical department of the 14th Army, did you feel that your personnel and medical supplies were sufficient for the invasion of the Philippines? Will you answer that without so many explanations.

CAPTAIN OTT: I object to that. I think the witness has answered that.

GENERAL DONOVAN: The question may be answered. The witness has not answered it to my satisfaction.

THE WITNESS: (Through Interpreter Onodera) I thought it was not enough.

Q (By Colonel Meek) And you did not communicate that to General Homma?

A (Through Interpreter Onodera) That was naturally reported to the chief of staff, so I imagine that report went up to General Homma.

Q Now, after the first engagement on Bataan you have reported the number of deaths and wounded and hospital cases. Did you keep General Homma advised of that situation?

A The dead in action, the number of wounded, the number of sicknesses in the troops, in each phase of the operation, each separate operation were matters that were reported from the 14th Army to the Imperial GHQ. Therefore, I believe the army commander knew about the report.

Q After the first Bataan battle, which lasted, as you stated, from the 8th of January to the 30th of March, do you know how many actual effective soldiers you had on the island at that time?

CAPTAIN OTT: You mean on the peninsula?

COLONEL MEEK: On Luzon.

INTERPRETER ONODERA: Will you read the question?

(Question read.)

THE WITNESS: (Through Interpreter Onodera) I don't remember the exact number.

Q (By Colonel Meek) Would any of the memoranda which you have, would that refresh your memory so you could give us that information?

A My memorandum does not give any information as to the general strength of the army.

Q At the conclusion of the second battle on Bataan, the second Bataan battle, period, 31 of March to 10 April, do you know how many effective soldiers you had on Luzon at that time?

A No, I do not know.

Q Who is Major Sekiguchi?

A He is a member of the medical section of the 14th Army.

Q Was he immediately under you?

A Yes.

Q Do you know where he is now?

A I think he is in Tokyo.

Q When did you last hear where he was?

A I heard about it at the First Demobilization Ministry.

Q Do you remember the two American hospitals down around Little Baguio, Hospitals 1 and 2, down around Mariveles?

A Yes, I heard about it.

Q Did you ever see them or inspect them?

A No, I have not gone there myself.

Q Did you send anyone to inspect them?

A Major Sekiguchi has gone there.

Q Is he the one that ordered the evacuation of the Filipino prisoners from those hospitals?

A The Japanese Army never did issue such order.

Q Do you know or did you ever hear that the Filipino patients in Hospitals 1 and 2 were evacuated from that hospital about the 9th, 10th or 11th of April?

A No, I never heard about it.

Q Major Sekiguchi never informed you of any action that he took evacuating the Filipinos from those two hospitals, did he?

A Do you mean that Major Sekiguchi had issued the order for the evacuation?

Q Yes.

A No, there was no such action taken.

Q It was never reported to you that the Filipino patients in Hospitals 1 and 2 were ordered out of both of those hospitals and told to go home?

A No.

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Q (By Colonel Meek) You have testified that prior to

the start of the first Bataan battle and prior to the start of the second Bataan battle, that you were short of critical medical supplies, as well as sufficient medical personnel. Did you advise General Homma of that situation?

A (Through Interpreter Onodera) Yes.

Q In advising him of that, did you advise him that you thought it unsafe or unwise to go into battle with the critical shortage of medicine and medical personnel that then existed in the 14th Army?

A I did not tell him.

Q Now, when the plan for the evacuation of prisoners of war was being made up, your part was to have put in the plan instructions that your hospitals would take in sick prisoners of war?

A To place patients in the hospital, if necessary, because that is an obvious fact, so the plan included such orders.

Q How many prisoners of war on the march were placed in any of your hospitals?

INTERPRETER ONODERA: Read the question, please.

(Question read.)

THE WITNESS: (Through Interpreter Onodera) Major Sekiguchi recognized one American Lieutenant Colonel who was admitted to the hospital. Other than this there might have been other patients who were temporarily admitted into the hospital, but I do not know the exact number.

Q Where was this American Lieutenant Colonel?

A Major Sekiguchi reported to me that this Lieutenant

Colonel was in a very weak condition while he was marching near San Fernando, and a member of the Information Bureau, Hosaki, saw him and took him into the truck and took him in to the line of communication hospital.

Q Out of 70,000 prisoners of war walking on that march, do you have any records or any recollection of any more than one prisoner of war being placed in your hospital?

A I think that there were others, but I do not remember the exact number.

Q Would you care to make an estimate of the total number?

A No, I cannot.

Q What is the answer?

A No, I cannot, or I don't know.

INTERPRETER ONODERA: It could be, "I cannot make the estimate," or "I don't know the estimate."

Q (By Colonel Meek) You kept no records on that?

A I do not have the record.

Q You never made any report to General Homma about hospitalizing prisoners of war on the march?

A The evacuation plan had it that the branch line of communication hospital at Lamao, Balanga, Orani and San Fernando were to take in patients. This was an army order signed by General Homma, so I think he knew about it.

Q Those hospital were pretty full of your own men, weren't they, if you had 36,000 sick patients at that time?

A Yes.

Q Now, you stated that the 15 ambulances that you

had available were used on the march from Balanga to San Fernando to transport sick prisoners of war; also that trucks were used for that purpose. Do you have any recollection of, or did you keep any record of the number of prisoners of war that were transported by truck or ambulance during that march?

A After the Bataan campaign, as to the physical condition of the prisoners, the American Army had not given us that information, so we had no idea about how many cars would be needed or how many patients would have to be transported. However, we knew that it was a march in the hot weather, so we gathered as many as we could spare of the Japanese vehicles to transport the patients. This went on for four days, but I do not remember how many patients were carried on these vehicles, and I do not have the record with me now.

Q Did you have any medical aid stations or any medical personnel stationed along the line of march from Balanga to San Fernando?

A The situation of the Japanese Army at the time was such that it was impossible to set up such first aid stations. However, the order had been issued by the army to the units along the roads, such as anti-aircraft units and light tank units, to give cooperation to those billetted along the road, or to those along the road, to have their medical officers cooperate with the line of communication outfits in caring for the sick. These units were placed along places such as Abucay, Hermosa and Guagua.

GENERAL DONOVAN: Put a "was" on that.

Q (By Colonel Meek) Was a request made of the Japanese Medical Department for antitoxin?

A Yes.

Q Was the Japanese Army able to furnish it?

A At the time the Japanese Army did not have antitoxin for this, but we requested to Tokyo for them and it arrived in August, flown from Formosa.

Q Did you learn that an American doctor prisoner of war at Cabanatuan was able to secure many thousands of units of antitoxin here in Manila, and did, for that epidemic?

CAPTAIN OTT: I object to the witness testifying --

GENERAL DONOVAN: What is the objection?

CAPTAIN OTT: I am objecting to the witness, whether he knew -- if you want to state whether he heard --

GENERAL DONOVAN: Rephrase your question, Colonel Meek.

Q (By Colonel Meek) Did you ever hear that an American doctor prisoner of war at Cabanatuan secured antitoxin here in Manila for that epidemic?

A (Through Interpreter Onodera) No, I never heard about it.

Q Did the Japanese Army operate a hospital at Fort McKinley during June, 1942?

A Yes.

Q You had Japanese Red Cross nurses working in that hospital?

A Twenty of them.

Q What?

A Twenty of them.

Q Do you recall the names of any of those nurses?

A No.

Q You don't remember whether one was Hatsue Kume?

A No.

Q She has made a statement, which is Prosecution's Exhibit 309 in this case. She was asked the question in that statement, "When you were at the hospital at Fort McKinley in June, 1942, were there adequate medical supplies at that time?"

Answer: "They had sufficient medical supplies; so much that they only used captured supplies."

CAPTAIN OTT: May I ask whether this is still in evidence, or is this one of the affidavits?

COLONEL MEEK: This is in evidence.

GENERAL DONOVAN: Where do you stand? What have you done?

LIEUTENANT ONODERA: I have read the answer.

GENERAL DONOVAN: Did you read the question?

Read the question and the answer.

(Translated to the witness by Interpreter Onodera.)

GENERAL DONOVAN: Now ask Colonel Meek's question.

LIEUTENANT ONODERA: Will you read the question?

(Question read.)

A (Through Interpreter Onodera) When you say there was sufficient medical supplies, what do you mean by "medical supplies"? The gauze, aspirin, or what?

Q (By Colonel Meek) We will read two more questions and answers to you.

The next question: "Did they use American quinine at that time in the treatment of malaria cases?"

Answer: "We used American quinine."

THE WITNESS (through Interpreter Onodera): I do not believe it.

GENERAL DONOVAN: Colonel Meek, I have a couple of questions the Commission wants to ask him before we wind up this afternoon, if you don't mind.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Do you know Lieutenant Colonel Waterous, an American medical officer who was at Little Baguio?

A No, I do not know him.

Q When the 14th Army was activated on or about the 15th of November, 1941, approximately what percentage of the staff of the Taiwan Army went over to the 14th Army?

Read that back.

LIEUTENANT ONODERA: "When the 14th Army was activated on November 15, 1941, approximately what percentage of the staff of the Taiwan Army went over to the 14th Army?"

GENERAL DONOVAN: Approximately what percentage. That is right.

A (Through Interpreter Onodera) I think Staff Officer Haba was the only one.

Q (By General Donovan) How about yourself?

A The chief of the Medical Section is not a staff member in the Japanese Army.

Q What is he?

A Staff in the Japanese Army --

Q What I asked, what the chief of the Medical Section was, if he is not on the staff.

A He is a counsellor to the -- aide to the general. I am an aide.

I am sorry. Chief of the Medical Section is an aide to the general, but not a member of the staff.

Q Let's put that question a different way, now: When the 14th Army was activated on the 15th of November, approximately how many officers and men of the Taiwan Army went to the 14th Army -- in round numbers?

A In the Army headquarters, the commanding general and the Staff Officer Haba, and one division.

Q And one whole division?

A One whole division.

Q What is the difference between the Taiway Army and the 14th Army, really, actually?

A Part of the Taiwan Army, the staff member, the ordnance, chief of the ordnance, chief of veterinary section, and chief of medical section, and some of the officers attached to the Army Headquarters, and the 48th Division, which was in the Taiwan Army -- this component went into the 14th Army. The rest of the 14th Army came from elsewhere.

Q When did you start working on the medical plan for the invasion of the Philippine Islands by the 14th Army? All I want to know is approximately what date.

A The 15th of November, 1941, when I became the chief of the Medical Section, I began to study a supply chart

issued to us by the Imperial GHQ.

Q From your testimony I would gather that General Homma was kept pretty well informed on the medical situation, deaths of prisoners of war, at all times, is that correct?

A Yes, I think so.

Q Did the medical plan for the invasion of the Philippine Islands envisage exploitation of hospital facilities and medical facilities in the Philippines?

A We wanted to do it if we could. We wanted to supply the hospitals with medical supplies in the Philippines if we could.

Q As I understand, you only visited the P.O.W. camp -- that is, Old Bilibid, is that correct?

A Yes.

Q Do you know whether General Homma ever visited any of the prisoner of war camps?

A I don't think he ever went to any of them.

Q Didn't you consider that the situation at the P.O.W. camp, from the standpoint of medical and sanitation, warranted a little more attention than just visiting one camp in Manila, as head of the Medical Department?

A Because I felt the importance of knowing the situation I dispatched Major Sekiguchi frequently to all the camps.

GENERAL DONOVAN: The Commission will adjourn until 8:30 a. m. Monday.

(Whereupon, at 1630 hours, 2 February 1946, the trial was adjourned until 0830 hours, 4 February 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXV

PAGES 2886 TO 3002

MANILA, P. I.

DATE 4 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.
4 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Shusuke Horiguchi		2886	2890-2899	2899
(By the Commission)	2890			
Jose Santos	2901			
Julito Guatlo	2904	2913		
(By the Commission)	2907-2914			
Jose Santos (recalled)	2918			
(By the Commission)	2915			
Julito Guatlo (recalled)	2922			
Robert C. Orton	2926	2935		
(By the Commission)	2936			
Teiji Ikeda	2938	2949	2955	
(By the Commission)	2950-2956			
Tedy Manuel	2957	2961	2966	
(By the Commission)	2965			
Porenciano G. Aquino	2967	2971		
(By the Commission)	2978			
Eijiro Namikawa	2981	2989		
(By the Commission)	2993			
Tomas Umagat	2997	3002		

P R O C E E D I N G S :

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

GENERAL DONOVAN: You might remind the witness he is still under oath.

SHUSUKE HORIGUCHI

a witness on behalf of the Defense, having been previously duly sworn, resumed the stand, and was examined and testified further as follows:

(Witness was reminded he was still under oath.)

CROSS EXAMINATION (Resumed)

Q (By Colonel Meek) In your testimony Saturday you testified to receiving a report on June 10 of 16,871 deaths. Now, did that include other camps besides O'Donnell?

A (Through Interpreter Ogita) Yes, that includes others.

Q Can you give us the figures on the number of deaths as of June 10th at O'Donnell?

A No.

Q After June 10th and prior to General Homma's return to Tokyo on 5 August did you receive or make any further reports on the total number of prisoners of war dead?

A I made a report, but I do not remember the number.

Q What is your best recollection of the number at this time?

A From August 1, 1942, until the end of August, the deaths at Cabanatuan amounted to about 303. In

other words, I remember it being around three per cent of the total amount of prisoners.

Q My question was the total number of deaths at O'Donnell up to August 5.

A I do not remember.

Q Have you any recollection of the total number of prisoners of war at Camp O'Donnell?

A At the beginning I remember there were around 60,000.

Q Is that Filipino only or Filipino and American?

A Only Filipinos.

Q There has been testimony in this case that from the opening of Camp O'Donnell until 5 August there was a total of 26,500 Filipino prisoners of war who died at O'Donnell. Would you say that was a fairly correct estimate or figure?

A I think that is too many.

Q What do you think the total was?

A At the most I think around 18,000.

Q How many American prisoners of war were there at Camp O'Donnell?

A I do not remember the exact figure, but I think there were around 15,000.

Q What was the total number of prisoners of war captured on Bataan Peninsula?

A I do not remember the exact figure, but I think there were 70,000 to 75,000.

Q The testimony in this case is to the effect that there were 8500 American prisoners of war at O'Donnell,

approximately. Would you say that was about the correct number?

A I think that figure is a little low.

Q What do you think it is?

A As I said before, I think around 15,000.

Q All the American prisoners of war were removed from O'Donnell and transferred to Cabanatuan by June 1, 1942, were they not?

A I remember that they were moved from the end of May until the beginning of June.

Q The testimony in this case indicates that during the period the American prisoners were imprisoned at O'Donnell there were approximately 1600 American prisoners who died. Would you say that is a correct estimate?

A I think that figure is a little high.

Q What do you think it should be?

A In my estimation the number of dead of American prisoners in Camp O'Donnell and Cabanatuan amounts to around 1600 or 1700.

Q If the testimony in this case of the recorded deaths amounted -- taken from 1 June to 5 August show a total of 1455, would you say that was a correct figure?

A I think that is too many.

Q This report that was furnished you on June 10, did it break down as to the causes of death?

A That report just contained the number which was reported by the 14th Army to the Imperial General Headquarters, and did not list the cause of death.

Q The medical plan that was prepared in Formosa prior

to the invasion of the Philippine Islands, did it include a plan for the care of prisoners of war?

A There is a regulation concerning the handling of prisoners according to that.

Q What I am trying to find out is, in making your plan did you provide for medical service, medical supplies and doctors to care for the prisoners of war in that plan that you formed at Formosa?

A There is no special provision made for medical supplies for the prisoners, but in the regulations for the handling of prisoners of war this medical care for the prisoners is listed.

Q Now, as head of the medical department for the 14th Army what was the medical plan, or what was done from a medical standpoint at Santo Tomas and Camp John Hay internment camps?

A In both of these camps the civilian doctors among the internees were to look after the health of the internees and serious cases that need hospitalization were allowed to be hospitalized in hospitals in the nearby towns. These matters were taken care of by the Miliary Administration Section.

GENERAL DONOVAN: Anything further, Colonel Meek?

COLONEL MEEK: One other question.

Q (By Colonel Meek) Can you give me the complete name of Major Sekiguchi?

A (Through Interpreter Ogita) H-i-s-a-s-h-i Sekiguchi.

COLONEL MEEK: That is all I have.

GENERAL DONOVAN: Captain Ott?

REDIRECT EXAMINATION

Q (By Captain Ott) Will you identify the division of the Taiwan Army that became a component of the 14th Army?

A (Through Interpreter Ogita) The 48th Division.

CAPTAIN OTT: I prepared yesterday and overlooked bringing to court today -- it could be brought immediately, this tabulation.

GENERAL DONOVAN: Any time.

CAPTAIN OTT: I have gone over it with him, and I am sure he understands some English.

If there is going to be any question about --

GENERAL DONOVAN: When it comes in just submit it to Colonel Meek and then we will take it up and get it in the record. I would just as soon have the tabulation from which he talked the other day.

CAPTAIN OTT: That was in Japanese.

GENERAL DONOVAN: I mean translated.

Anything further?

EXAMINATION BY THE COMMISSION

Q (By General McNaught) When the Japanese forces took over military stations similar to Clark Field, Fort Stotsenberg, Sternberg Hospital, Nichols Field, Fort William McKinley, did you take any steps to have medical personnel seize and take charge of medical supplies left by the American and Filipino forces in those stations?

GENERAL DONOVAN: What do you want to change?

MAJOR PRATT: We are just trying to get the whole

context.

GENERAL DONOVAN: All right.

A (Through Interpreter Ogita) Do you mean did we have plans to seize them?

Q (By General McNaught) Did you do it or did you send medical personnel in to inventory and take charge of such supplies so they might be used by the medical personnel?

A No such steps were taken, and furthermore, I received no reports on such matters from subordinate units.

Q Am I to assume from that that you felt there was no necessity of taking them, that you had enough medical supplies?

A From the beginning of operations Japanese medical supplies were getting inadequate, so we did our utmost to buy medical supplies from private concerns in Manila, especially quinine, when the Japanese came into Manila in January.

Q When you entered Manila on 2 January, 1942, that is, the Japanese forces entered Manila, did you have the medical personnel search the warehouses in Bodega to see if there were medical supplies there, and if so, to take charge of them?

A That was done by the Military Administration Section, so I do not know which warehouses they seized and what they seized.

Q Did you as surgeon of the 14th Army find out from the Military Administration what medical supplies they had taken charge of?

A I do not know.

Q Did you ever hear of the Geneva or Red Cross Convention of 27 July 1929 relative to the treatment of prisoners of war?

GENERAL DONOVAN: Do you want those questions shortened up?

MAJOR PRATT: That is all right.

A (Through Interpreter Ogita) I haven't read the detailed matters of the treaties, but I know roughly that the prisoners are to be handled about the same as our own troops.

Q (By General Gard) Do you know the death rate at Cabanatuan during July 1942?

A I do not have an accurate recollection.

Q What was the death rate in the Japanese Army during June and July 1942, I mean the Japanese forces in Luzon?

A Of the hospital listed patients, 30 per cent of the dysentery cases died, and 15 per cent of the malaria cases died.

Q I want to know the over-all death rate among the Japanese forces on Luzon in June and July?

A Including the patients of light cases and the hospitalized cases, the death rate was approximately 10 per cent.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Q (By General Gard) According to your notes, what was the total number of prisoners of war who died on Luzon while under Japanese custody or control during June and July of 1942?

A I do not know.

Q What was the total number of members of the Japanese forces on Luzon who died during June and July of 1942?

A I do not remember the accurate number, but I think they were between 9000 and 10,000.

GENERAL GARD: That is all.

Q (By General Valdes) How many hospitals did the Japanese forces have in Bataan?

A We had four field hospitals and four branches of the line of communication hospitals.

Q What did you do with the severe battle casualties in the Japanese Army?

A The severe casualties from the front lines were brought to the field hospital on litters by either four soldiers or civilians, and from the field hospital to the rear, and the severe casualties were transported in trucks or ambulances.

Q When the plan for the evacuation of American and Filipino prisoners of war from Bataan was prepared were you consulted on the requirements for drinking water and sanitary toilet facilities?

A When the plans were made?

Q Yes, when the plans were made.

A Considering the water problem, since there were several wells between Balanga and San Fernando, this matter

was not taken up and toilet facilities were not considered.

Q As head of the medical section of the 14th Army, did you call General Homma's attention to the need of preparing on the road of march adequate drinking water points and sanitary toilet facilities in all the resting places?

A I did not speak to General Homma about this, but since the handling of prisoners was taken care of by the Military Administration, and since in the Japanese Army it is natural to set up drinking water facilities and toilet facilities in resting places, I believe that this was done. The Military Administration Section had their own medical section.

Q Did you see any prisoners of war dead on the road during the march?

A No, I did not see any.

Q Do you know whether or not General Homma visited Camp O'Donnell or the camps at Cabanatuan?

A I do not ever remember hearing about General Homma's visit to those places.

Q (By General Trudeau) When did you first study or become acquainted with the evacuation part of the plan for the invasion of the Philippines, the medical part of the plan for the invasion of the Philippines?

A What do you mean, when did I first hear about the medical plan?

Q Yes, when did you first hear about the medical plan?

A As I have testified the day before yesterday, after I became chief of the medical section of the 14th Army until the time that we left, there was only 18 days, so

the detailed plans were made on the ship.

Q Do you expect me to believe that the Japanese plan for the invasion of the Philippine Islands was made in 18 days, yes or no?

A No.

Q Then please give me the correct answer.

A During the 18 days before departure, as chief of the medical section, the plan that was made was the number of line of communication hospitals to be set up when the troops land on Lingayen and Lamao. This was the extent of the plan up to the time of the departure.

Q Do you feel that as surgeon of the 14th Army you gave the maximum amount of cooperation to the American and Philippine Red Cross in alleviating the sufferings of prisoners of war?

A I do not understand the meaning of the question.

Q It has been testified that the American and Filipino Red Cross offered to provide medical supplies and food and clothing to American and Filipino prisoners of war, and that this offer was not accepted in the prison camps, or that distribution of any articles delivered was not made to prisoners.

I want that repeated to him.

A The chief of medical section does not hear about the offer by the Filipino Red Cross, and, consequently, I never heard about the refusal of such offers.

Q Did you attempt to make any liaison with the American or Filipino Red Cross to secure their help in the handling of difficult problems when you knew your own supplies were

inadequate?

A In the beginning of June we contacted the Red Cross at the university through the Military Administration Section for help, but we could not obtain any supplies from them.

Q Then your answer to my original question is that you believe you did everything possible?

A As for myself, I think I have done my best.

Q Can you state whether or not prisoner of war camps received their proper proportion of all medical supplies available to you, to the Japanese Army?

A Since the Japanese Army lacked adequate medical supplies, I believe the amount that the prisoners received was also inadequate.

Q Of the 16,871 prisoners of war that you stated died, what proportion or what number do you believe or do your records show would have been from malnutrition?

A I do not remember, because the number that was stated was the total dead, and did not state, the record did not state the reason.

Q Would that information be in these other sheets of the reports which you have with you, to which you have not yet referred?

A No, it is not written on that.

Q Am I correct that the period of reported deaths of these prisoners was from the time they were registered in the prison camps until 30 June 1942, or if not, what was the period?

A Until June the 10th.

Q Until June 10?

A Yes.

Q During that same period what do your records show were the number of Japanese deaths in Luzon? You may refer to your records.

A It is not written on there.

Q Can you answer the question?

A According to my guess, it would be around five to six thousand.

Q You have stated during each of the periods from the beginning of the invasion of the Philippines, the number of Japanese deaths by periods down to the 7th of May. Wouldn't your records be complete enough to show what they were from the 7th of May to the 10th of June, or some other figure?

A I have the number of patients up to the end of May, but before coming here I did not come across any of the others, so I do not know.

Q I want to call your attention to the fact that during the two month period ending June 10th, in which you report 16,871 prisoners died, the first of those two months your own report on Japanese deaths, including battle casualties, was 400. Have you any comment?

A What was that 400 that you just mentioned?

Q You report that the Japanese battle deaths from the period 10 April to the 7th of May was 400, 460 injured, and 50,000 sick in hospitals. That was one-half of the period during which you report 16,871 prisoners died, and included the balance of the battle casualties that you

suffered in the Philippine campaign, the Luzon campaign, that 400.

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

CAPTAIN OTT: If the Commission please, I think, perhaps, it might be helpful to the Commission if at this time I submitted this exhibit.

GENERAL DONOVAN: Not right now. Let's get this one question answered.

I would like for you to repeat the question that you are going to ask now.

INTERPRETER ONODERA: "You report that the Japanese battle deaths from the period 10 April to the 7th of May was 400, 460 injured, and 50,000 sick in the hospital. In the two months period, including that period, the POW's death rate was 16,871. How do you account for the fact that 400 died in the period of one month, while in two months 16,871 POW's died?"

Is that right, sir?

GENERAL TRUDEAU: I think that will get some sort of a response; let's try it.

THE WITNESS: (Through Interpreter Onodera) The 400, the number 400 shows only those who died in action.

Q (By General Trudeau) Why did you also include in the same report the total number who had been injured dur-

ing that period, and the total number who had been sick? Don't the other dead count?

A The Japanese pattern of these reports are: That the battle casualties divided into the injuries sustained and also the deaths is reported together. The illnesses reported monthly, and this report was, or the memo was a combination of both.

GENERAL TRUDEAU: Let the record stand that way. That is all I have.

GENERAL DONOVAN: The witness is excused.

CAPTAIN OTT: I would like to ask one question.

GENERAL DONOVAN: All right, one question.

FURTHER REDIRECT EXAMINATION

Q (By Captain Ott) In reporting to General Homma, did the members of his command tell General Homma that they were doing everything possible to better the condition of the prisoners?

A Yes.

GENERAL DONOVAN: The witness is excused.

CAPTAIN OTT: I have this exhibit, if the Commission please --

COLONEL MEEK: I would like to ask one question that hasn't been brought out through this witness: Only one question.

GENERAL DONOVAN: One question for the Prosecution. This witness has been on the stand about two days or more.

RECROSS EXAMINATION

Q (By Colonel Meek) When did you leave Formosa for the invasion of the Philippines, on what date?

A (Through Interpreter Onodera) I left Taihoku on the 3rd of December, 1941, and left Takao on the 4th of December, 1941.

GENERAL DONOVAN: The witness is excused; this time finally.

(Witness excused.)

CAPTAIN OTT: Now, this exhibit indicates at the top, without the notes, what the witness testified.

GENERAL DONOVAN: Has Colonel Meek checked this exhibit?

COLONEL MEEK: I have one statement to make in regard to it, and that is the first paragraph of the exhibit below the tabulation. The witness has not testified to that.

CAPTAIN OTT: That is why I wanted the witness here in case there was any question about it.

GENERAL DONOVAN: Get him to sign it as an affidavit.

Do you have any objection to it going in like this?

COLONEL MEEK: I have an objection to it with that one paragraph in there, yes, sir.

GENERAL DONOVAN: Well, have the witness sign it as an affidavit.

CAPTAIN OTT: Well, it will have to be translated into Japanese.

GENERAL DONOVAN: That is all right. He understands English.

Until you get that straightened out, we don't want it.

The next witness.

LIEUTENANT PELZ: The testimony of this witness will be as to Specification 1.

COLONEL MEEK: Is this where you want the interpreter?

LIEUTENANT PELZ: Yes; this testimony will be in Tagalog.

(Whereupon, Captain Jesus A. Lagdameo, Jr. and Olimpia Catanjal were sworn as interpreters.)

JOSE SANTOS

called as a witness on behalf of the Defense, being first duly sworn through Interpreter Lagdameo, was examined and testified as follows through Interpreters Lagdameo and Catanjal:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) What is your name?

A (Through Interpreter Lagdameo) Jose Santos.

Q Where do you reside?

A Here in Manila.

Q What is your nationality?

A Filipino.

Q Where are you employed?

A Bulucan Province.

Q By whom are you employed?

A Manila Railroad Company.

Q What is your position with the Manila Railroad?

A Chief train dispatcher.

Q At what railway station?

A At Tutuban.

Q Did you hold the same position in December 1941?

A Yes, sir.

Q I direct your attention to the 27th of December 1941,

and ask you whether there was any military traffic on the railway on that date?

A I don't remember.

Q Do you remember when Manila was declared an open city?

A I remember it was the month of December, but I am not sure of the date.

Q When did military traffic with American and Filipino troops cease in December 1941? When did military traffic with American and Filipino troops cease in December 1941 on the Manila Railroad?

A I don't remember the exact date, but I am sure it was on or before Christmas Eve.

Q On or about the 30th of December 1945, did you make a statement to a Filipino investigator?

A There was somebody that came to my office on or -- I am not sure whether it was December or January.

LIEUTENANT PELZ: If it please the Commission, I submit this witness has taken the Defense by surprise, that I am going to impeach him as a hostile witness.

Q (By Lieutenant Pelz) At the time the Filipino investigator came to your office, did you tell him that there was military traffic on the 27th of December 1941, through the Tutuban railway station?

A (Through Interpreter Lagdameo) I don't remember that I have told him that it happened at that date.

LIEUTENANT PELZ: If it please the Commission, I could go through these questions, but it is obvious there is no point to it; I intend to call the Filipino investigator to the stand.

GENERAL DONOVAN: That is all right.

LIEUTENANT PELZ: All right. I have nothing further of the witness.

COLONEL MEEK: Just one question while the witness is on the stand: Do you intend to prove that by oral testimony or signed statement?

LIEUTENANT PELZ: By oral testimony.

COLONEL MEEK: No objection.

GENERAL TRUDEAU: Is it your opinion that an open city is determined on whether or not you evacuated troops from it?

LIEUTENANT PELZ: It is my opinion, sir, that if military traffic is moving to the front through a city which has been declared an open city, that the opposing forces are justified in bombing it, as the American air forces did the City of Rome.

GENERAL TRUDEAU: Do you differentiate moving troops through a city and evacuating a city?

LIEUTENANT PELZ: I certainly do, sir. In this case the troops were moving from the south to the front line in Bataan.

GENERAL DONOVAN: Anything further?

(No response.)

The witness is excused.)

(Witness excused.)

LIEUTENANT PELZ: I call Mr. Guatlo to the stand.

COLONEL MEEK: Does he need an interpreter?

LIEUTENANT PELZ: No, he doesn't need an interpreter.

JULITO GUATLO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) What is your name?

A Julito Guatlo.

Q What is your nationality?

A Filipino.

Q By whom are you employed?

A By the United States Army.

Q In what capacity?

A As an investigator in the War Crimes sub-section.

Q Did you, in the course of your official capacity, have occasion to interview Jose Santos of the Tutuban railway station?

A Yes, sir; it was on or about December 30th of 1945.

Q Do you have notes made at that time or soon thereafter as to statements made by Mr. Santos?

A Yes, sir.

Q Have you those notes with you?

A I think I have them. I have it.

COLONEL MEEK: If the Commission please, as the basis for objection I want to submit to the Commission at this time that the previous witness stated that he did have a conversation, but he was not asked while he was on the stand what that conversation was about. There has been no proper foundation yet laid to impeach the witness. He said he did not remember the conversation, but he was not asked specifically the question did he state to this investigator such-and-such a thing. I submit to this Commission there has been no proper foundation laid here yet.

LIEUTENANT PELZ: If it please the Commission, it is obvious that I did ask him did he state that on the 27th of December there was some military transaction reported. And to carry on the rest of the statements would be a waste of time.

GENERAL DONOVAN: Do you have that testimony here?

COLONEL MEEK: I think he will admit that he did not remember what the conversation was at that time.

GENERAL DONOVAN: Ask the reporter to read that conversation back.

COLONEL MEEK: In fairness to the witness that you are going to impeach I maintain his memory should be refreshed.

LIEUTENANT PELZ: If I recall correctly, he said he doesn't remember the exact date.

GENERAL DONOVAN: We will read just exactly what he said.

I wish you would read all the testimony of that last witness, Santos.

(Record read.)

LIEUTENANT PELZ: At that time, sir, I requested that I not be forced to go through each of the parts of the questioning, which I am perfectly willing to do, in recalling that witness -- previous witness.

GENERAL DONOVAN: Colonel Meek, have you anything?

COLONEL MEEK: I still submit that it is hardly fair to the previous witness to attempt, on that basis so far, to impeach him. However, I am perfectly willing to go ahead here, because I don't think it is very material. I am going to leave the decision to the Commission.

GENERAL DONOVAN: The Commission will withdraw.

(Whereupon the Commission retired for executive session.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Let's ask a couple of questions of this particular witness.

As I understand, this witness is employed by the War Crimes Commission.

LIEUTENANT PELZ: No, sir; by the War Crimes Subsection, AFWESPAC.

GENERAL DONOVAN: The same thing.

LIEUTENANT PELZ: Yes, sir.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Did you take an affidavit from Mr. Santos in connection with this testimony?

A No, sir.

LIEUTENANT PELZ: If it please the Commission, the witness being in Manila, there was no thought of introducing his testimony by affidavit. He was to be called to the stand.

Q (By General Donovan) Tell us what you did when you received these alleged statements from Mr. Santos.

A December 30, 1945, I went to the railway station in Manila --

COLONEL MEEK: Just a moment.

Is he testifying from notes now?

Q (By General Donovan) Just tell us what you did in connection with these statements that you got from Mr. Santos, -- alleged statements. What was your capacity at that time? Were you in an official capacity?

A I was then an investigator.

Q For whom?

A War Crimes Subsection.

Q AFWESPAC?

A Yes, sir.

Q You were detailed to see Mr. Santos?

A Not particularly, sir, but I was detailed to investigate into the movement of the troops after Manila was declared an open city, and knowing that the Manila Railway was the one which was transporting people from Manila to the provinces, I had the idea of going to that company.

Q When you investigated this tell us exactly what you did when you went in to see Mr. Santos.

A I showed him an identification card, sir, and I requested him to give me some information as to the movement of the trains on the date of the 27th. I requested him further that I should take the substance of his declaration in writing, which I did. In the course of our interview he was interrupted in going on further because another employee in his office warned him not to reveal any movement of the trains, because it was being prohibited by the Army. At that instant he stopped declaring and he brought me upstairs to consult his immediate superior. While we were on the way to his immediate superior he just told me to forget everything that he had told me, because he had no authority to reveal any movement of the trains during that particular time.

So when we went up his superior could not attend to me because he was preoccupied. That is why I was not able to speak with him any more. And then I left and didn't return any more.

GENERAL DONOVAN: The thing I thought you referred to as an affidavit was a statement, a list of questions asked and answered.

LIEUTENANT PELZ: These are the notes that Mr. Guatlo took at that time when he took the statement from this witness. The notes were merely to make it possible for the attorney to ask the questions and know what questions to ask. It was not intended at any time to introduce these in evidence.

GENERAL DONOVAN: We had affidavits signed by this man in connection with this.

COLONEL MEEK: May I ask a question?

Q (By Colonel Meek) After you prepared your notes did you, or someone to your knowledge, make a statement to Mr. Santos and ask him to sign it, and did he refuse to sign it?

A I don't know that, sir.

COLONEL MEEK: May I inquire of counsel?

GENERAL DONOVAN: In view of this last interruption, will you read that question and answer?

(Record read.)

COLONEL MEEK: May I inquire of Defense counsel if a statement was prepared based on the notes of this witness, and was it taken to the witness Santos for his signature, and did he refuse to sign it?

LIEUTENANT PELZ: The Defense counsel has taken the position where witnesses are available, to secure them. I see no reason to take an affidavit when the witness is available.

GENERAL DONOVAN: Have you seen Mr. Santos prior to this trial, prior to today?

LIEUTENANT PELZ: Just when he was subpoenaed for

trial. I didn't see him before the trial.

GENERAL DONOVAN: You didn't talk to him in regards to what he was going to testify to?

LIEUTENANT PELZ: He told me he didn't remember. I told him to refresh his recollection.

COLONEL MEEK: I am trying to inquire, was a statement ever taken to him to sign?

GENERAL DONOVAN: Ask the man who is on the stand.

COLONEL MEEK: He says he did not take it.

GENERAL DONOVAN: Do you know whether it was taken to him to sign?

LIEUTENANT PELZ: I know it was never taken back to him.

Q (By General Donovan) Did you talk to Mr. Santos at any other time in connection with this conversation that you had?

A Yes, sir.

Q How many times?

A In connection with this, one only.

Q Once after the initial visit?

A Yes, sir.

Q What took place then?

A He told me that he didn't remember if he said that there was movement of the trains on December 27th.

Q What else?

A That is all, sir.

LIEUTENANT PELZ: I have misled the Commission. I misinterpreted to the Commission. Major Skeen reminded me. Pursuant to my suggestion to the Commission, I presented an

affidavit to Mr. Santos Saturday afternoon when I questioned him. I am sorry I misled.

GENERAL DONOVAN: That is all right. Go ahead.

Q (By General Donovan) Tell us anything else he said.

A He even denied his warning to me that his declaration during the 30th of December should be disregarded, because he had no authority from his immediate superior to reveal such movement of the trains.

Q To whom did you report the results of this conversation of Mr. Santos?

A I didn't report that to anybody else, sir, as far as I can remember.

Q Who is your immediate superior?

A My immediate superior, sir, I understand, is Major Sundet. He is the one in charge in our office.

Q You understand he is your boss? Who sent you out to get these statements?

A It was Lieutenant Pelz who sent me out, in this particular statement, sir.

Q Lieutenant Pelz, the Defense counsel?

LIEUTENANT PELZ: Perhaps I can explain.

Q (By General Donovan) You were probably working for the investigating committee?

A No, sir.

LIEUTENANT PELZ: Colonel Brown and the subsection working with Defense counsel, pursuant to General Donovan's request that we be given investigators at the start of this trial.

GENERAL DONOVAN: Now I am beginning to get it

straightened out.

Q (By General Donovan) You don't work for the Judge Advocate of AFWESPAC at all?

MAJOR SKEEN: We all work under that.

LIEUTENANT PELZ: We are one subsection of that department, sir.

GENERAL DONOVAN: He is in that subsection?

LIEUTENANT PELZ: Yes, sir.

GENERAL DONOVAN: He is detailed by you to find out something about the railroad?

LIEUTENANT PELZ: To get any information he could.

GENERAL DONOVAN: Colonel Meek, have you any more questions you want to ask?

COLONEL MEEK: I don't think so.

Q (By General Donovan) From the standpoint of your questioning Mr. Santos, then, it was purely a Defense matter, trying to find out information as to what happened to the railroads during that period of time, is that correct? In other words, just like another Defense attorney going out and questioning somebody, or one of the members of your staff, is that correct?

LIEUTENANT PELZ: That is true.

GENERAL DONOVAN: Colonel Meek, have you anything further?

COLONEL MEEK: I understand the witness to say he advised Mr. Santos of his capacity. I would like to know exactly what he told Mr. Santos when he opened the interview and identified himself.

CROSS EXAMINATION

Q (By Colonel Meek) What did you tell Mr. Santos when you started the interview?

A I didn't tell him anything. I showed him an identification card, presuming that he understood what was on it.

GENERAL DONOVAN: What is on it?

Q (By Colonel Meek) May I see your identification card?

A Yes, sir (handing card to Colonel Meek).

Q Do you know whether Mr. Santos can read English?

A I presume so.

Q Did you talk to him in English the first time?

A No.

COLONEL MEEK: Do you care to see this?

GENERAL DONOVAN: Is it any different from mine? Is that a special War Crimes card?

LIEUTENANT PELZ: I have never seen it.

(The identification card was handed to General Donovan.)

GENERAL DONOVAN (reading): "Civilian Investigator Employee of this Headquarters, War Crimes Section. John H. Melve." The same subsection you belong to.

LIEUTENANT PELZ: Yes, sir. I have never seen this one.

GENERAL DONOVAN: Go ahead.

COLONEL MEEK: That is all I have.

GENERAL DONOVAN: You received these statements from Mr. Santos orally and had this conversation with him?

Who took the affidavit back to Mr. Santos?

LIEUTENANT PELZ: When Mr. Santos was subpoenaed on Saturday pursuant to my suggestion, an affidavit was

submitted to him with the statement that Mr. Guatlo had given me, and at that time that was the time he said he didn't remember these things.

GENERAL DONOVAN: He refused to sign it?

LIEUTENANT PELZ: He said he didn't remember the things he told Mr. Guatlo.

GENERAL DONOVAN: We are in a position between Mr. Santos and Mr. Guatlo --

LIEUTENANT PELZ: We are in a position of an investigator, to impeach a man who was supposed to testify.

GENERAL DONOVAN: As I understand this particular man on the stand here is a member of the Defense staff, is that correct?

LIEUTENANT PELZ: He is an investigator, the same as any other investigator, sir. He is working and getting information for the Defense.

GENERAL DONOVAN: That is what I am talking about.

FURTHER EXAMINATION BY THE COMMISSION

Q (By General Donovan) Are you working with the Defense staff right now?

A Yes, sir.

Q How long have you been working with the Defense staff?

A Ever since the 21st of December.

Q Have you done any other work since the 21st of December except work with the Defense staff?

A Always with the Defense, sir.

Q Have you done any work for AFWESPAC J.A.?

A No, sir.

Q Has all your work been with the Defense staff since

that time?

A Yes, sir.

GENERAL DONOVAN: We will have a short recess.

Anything further, Colonel Meek?

COLONEL MEEK: Nothing further.

LIEUTENANT PELZ: Nothing further.

GENERAL DONOVAN: This witness is excused.

(Witness excused.)

GENERAL DONOVAN: We will have a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution is present and we are ready to proceed.

LIEUTENANT PELZ: I request that Mr. Santos take the stand.

GENERAL DONOVAN: The Commission is bringing Mr. Santos back to take the stand.

JOSE SANTOS

a witness on behalf of the Defense, having been previously duly sworn, was recalled and testified further as follows through Interpreter Captain Lagdameo:

EXAMINATION BY THE COMMISSION

Q (By General Donovan) Do you speak English?

A (Through Interpreter Lagdameo) Very poorly.

Q Do you read English?

A I am reading to study English, but I can understand very well English.

Q Do you read English? I want to find out if you read English.

A I can read a little, and sometimes I understand what I read and sometimes I don't.

Q When Mr. Guatlo visited you in December what took place?

A When Mr. Guatlo came to my office he identified himself as an investigator and requested me if I could give some information about train movements and I answered him "Yes, I can give you some."

He asked me whether, on December 27th and 28th there was train movement, and if we have kept some records about train movement to the States, and I answered him "Records are not available, and I don't remember whether, on those dates, the 27th and 28th, there were train movements. Meanwhile we were talking and another employee came to us and warned me that there were circulars to the effect that nobody could give information to anybody without authority, of train movements.

GENERAL DONOVAN: Will you read the answer?

(Answer read.)

GENERAL DONOVAN: Let's have the answer again.

THE WITNESS (through Interpreter Lagdameo): When he came to my office he identified himself as an investigator and requested me if I could give information about train movements and if we still keep records about train movements on December 27th and 28th. I answered him that we don't keep -- we don't have any more of those records; that I cannot remember whether those dates, the 27th and

the 28th, whether there were train movements. When we were talking another employee came and warned me that there was a circular --

GENERAL DONOVAN: What did you say -- a circular?

THE WITNESS (through Interpreter Lagdameo): -- a circular to the effect that we cannot give information to anybody about train movements.

GENERAL DONOVAN: Anything else?

THE WITNESS (through Interpreter Lagdameo): And I told him it is much better that we go up and see the superintendent to give me permission to give me the information.

So we came up and we found that the superintendent was too busy. When we were able to see the superintendent then he told me he will be coming back on another occasion, but he never came back.

GENERAL DONOVAN: Ask the witness if he ever came back. He said he never came back, is that right?

THE WITNESS (through Interpreter Lagdameo): No, sir, until I received a subpoena bringing me here.

Q (By General Donovan) What kind of an investigator did he say he was when he first saw him?

Just a minute. Find out if he said he was an investigator for AFWESPAC, the War Crimes Commission, or the Defense.

A (Through Interpreter Lagdameo) He didn't tell me what kind of an investigator he was.

GENERAL DONOVAN: Do you have some questions, Lieutenant Pelz?

LIEUTENANT PELZ: No, sir.

GENERAL DONOVAN: Colonel Meek?

LIEUTENANT PELZ: Yes, sir, I do have some questions.

GENERAL DONOVAN: Let's find out if Colonel Meek has any questions.

COLONEL MEEK: No, I have no questions.

LIEUTENANT PELZ: I wish to lay the proper groundwork for impeachment.

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Did you tell Mr. Guatlo on 27 December 1941 that the trains were still transporting soldiers and ammunitions from Legaspi, Naga, to the north; that the trains used to leave the station at 8:00 a. m., and usually there are four or five trains pulling seven or eight coaches for soldiers and civilians? The soldiers were in groups under their commanding officer?

A (Through Interpreter Lagdameo) Yes, we were talking --

GENERAL DONOVAN: Wait a minute.

What was the first thing you said?

INTERPRETER LAGDAMEO: "Yes, we were talking."

GENERAL DONOVAN: Is the answer to his question "Yes"?

INTERPRETER LAGDAMEO: "Yes, we were talking."

GENERAL DONOVAN: Is the answer to the question "Yes," or is the answer, "Yes, we were talking"?

INTERPRETER LAGDAMEO: Yes, we were talking.

GENERAL DONOVAN: That makes a lot of difference.

THE WITNESS (through Interpreter Lagdameo): Yes, we were talking about train movements, and we were talking also about the movement of entrainees and civilians from Batangas, from the south.

GENERAL DONOVAN: Now, just a minute. Are you translating what he said, or are you putting in some other words?

INTERPRETER LAGDAMEO: I am translating what he said.

GENERAL DONOVAN: Did he say from Batangas?

INTERPRETER LAGDAMEO: "From Batangas and the south."

THE WITNESS (through Interpreter Lagdameo): But I did not ascertain from the investigator what dates, only I can tell that those movements happened on the first days of December.

GENERAL DONOVAN: The first days of December?

Read that back.

(Record read.)

THE WITNESS (through Interpreter Lagdameo): I did not ascertain from the investigator what dates.

GENERAL DONOVAN: Let me ask a question now.

Do you mean that you didn't state to the investigator what dates the trains were running?

Ask the questions that I asked.

INTERPRETER LAGDAMEO: Read the question.

(Question read.)

GENERAL DONOVAN: That is the question I want.

INTERPRETER LAGDAMEO: He did.

GENERAL DONOVAN: I want you to ask the question.

(Translated to the witness by Interpreter Lagdameo.)

THE WITNESS (through Interpreter Lagdameo): No, sir.

Q (By Lieutenant Pelz) Did you state to him in answer to the question --

GENERAL DONOVAN: Break the questions down. It is a little bit too long. Take them one by one.

LIEUTENANT PELZ: All right.

Q (By Lieutenant Pelz) Did the investigator ask you the question "Was there any military traffic on 28 December 1941?"

A (Through Interpreter Lagdameo) His question was 27th and 28th, not specifically the 28th.

Q Did you reply "Yes, there was; trains were leaving Tutuban Railway Station with American and Filipino soldiers going north."?

A No, sir.

Q Did the investigator ask you the question "Did you see other military traffic on 28 December 1941?"

A He didn't ask me any questions about that.

Q Did you reply to that question "Yes, I did. I also saw trucks with American and Filipino soldiers in them which were in convoy moving through Manila to the north. Few trucks moved during the day, but they were moving continuously during that night"?

A He didn't ask me about that, nor have we talked about such things.

Q Did he ask you whether there was any military traffic on the 29th of December, 1941?

A About the 29th he didn't ask me, but I remember he asked me if it was on the 27th.

Q Did you reply to this question "All I saw on that day were trucks with American and Filipino soldiers in convoy. They were bound for the north, and they moved during that whole night"?

A We have not talked at all about those thing, because

I was always in the office, and I have not seen any traffic on that date.

GENERAL DONOVAN: Read that answer.

(Answer read.)

Q (By Lieutenant Pelz) Do you remember that you did not see any traffic on that date, on the 29th of December 1941?

COLONEL MEEK: Just a minute.

He is asking impeaching questions, and now he is asking a leading question as to whether he remembered seeing something on that day.

GENERAL DONOVAN: The witness stated he did not see anything, so go to the next question.

LIEUTENANT PELZ: I have nothing further.

COLONEL MEEK: I have nothing.

GENERAL DONOVAN: We will take a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: The Commission has no further questions from this witness.

Do you have any further questions?

LIEUTENANT PELZ: No, sir.

COLONEL MEEK: No, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

JULITO GUATLO

a witness on behalf of the Defense, having been previously

duly sworn, was recalled and testified further as follows:

LIEUTENANT PELZ: Will you remind the witness that he is still under oath?

COLONEL MEEK: This witness does not use an interpreter.

GENERAL DONOVAN: This witness speaks English.

LIEUTENANT PELZ: I am sorry.

You are still under oath, Mr. Guatlo.

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Do you have the notes that you testified previously from, that you made at the time of your interview with Mr. Santos or soon thereafter?

A Yes, sir.

Q Will you read those to the Commission, please?

GENERAL DONOVAN: Colonel Meek, do you have any objection?

COLONEL MEEK: I want to know if he is going to read from his original notes, Is he going to read from the original notes?

LIEUTENANT PELZ: The witness would be the best judge of that.

Q (By Lieutenant Pelz) Are you going to read from your original notes?

A This is a typewritten note from the declaration of Mr. Santos?

COLONEL MEEK: When were they made?

THE WITNESS: That was December 31st, in the morning, sir, when I returned to my office.

COLONEL MEEK: What did you do with the original

notes that you took?

THE WITNESS: After copying it, sir, I threw it in the waste basket.

COLONEL MEEK: Is that an exact copy of your original notes?

THE WITNESS: Yes, sir.

COLONEL MEEK: When did you make the original?

THE WITNESS: I made it during my conversation with Mr. Santos in his office.

COLONEL MEEK: You mean you sat down at a desk and got out your tablet and asked him questions and wrote out the questions you asked and then put the answer down? Is that what you did?

THE WITNESS: I didn't write down my questions, sir, I wrote down his answers to my questions.

COLONEL MEEK: Did you interview him in English or in Tagalog?

THE WITNESS: In the first place it was English, but when he told me that he had difficulty in answering me in English I spoke to him in Tagalog.

COLONEL MEEK: How many of those answers do you have there that were asked in English and how many in Tagalog?

THE WITNESS: At the very beginning, sir, I had it in English. After that I asked him in Tagalog.

COLONEL MEEK: Did you tell him at that time that you intended to use him as a witness in the defense of General Homma?

THE WITNESS: No, sir.

COLONEL MEEK: What did you tell him?

THE WITNESS: I only asked him to give some information, from him, as to the movement of trains in 1941.

COLONEL MEEK: All right; that is all.

Q (By Lieutenant Pelz) Just one further question --

GENERAL DONOVAN: Why not find out his civilian occupation?

Q (By Lieutenant Pelz) One more question about the notes.

What did you do with that typewritten sheet of notes?

A I gave it to Lieutenant Pelz.

Q On what day?

A The 31st of December, sir.

Q What is your civilian occupation, aside from working for the U. S. Army?

A I am a practicing lawyer, sir.

GENERAL DONOVAN: Will you read those notes?

THE WITNESS (reading): "On December 27, 1941, the train was still transporting soldiers and ammunitions from Legaspi, Naga, to the north. The trains used to leave the station at 8:00 a. m., and usually there are four or five trains pulling seven or eight coaches for soldiers and civilians. The soldiers were in groups under their commanding officer.

"On December 28, 1941, the train was still transporting soldiers, but up to San Fernando, La Union, only.

"On December 28, 1941, trucks for soldiers were in convoy for the north. A few moved during the day, but continuously during the night.

"On December 29, 1941, trucks for soldiers in convoy

were bound for the north, but only during the whole night."

LIEUTENANT PELZ: I have nothing further from this witness.

COLONEL MEEK: No questions.

GENERAL DONOVAN: Any questions by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

COLONEL MEEK: May we have a copy of the notes that the witness has read?

LIEUTENANT PELZ: If it please the Commission, the testimony in the record will be a copy, I think.

GENERAL DONOVAN: It is customary to furnish the opposing side with a copy of anything that is written.

LIEUTENANT PELZ: Yes, sir, I will have a copy made.

ROBERT C. ORTON

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, rank, serial number and organization?

A Robert C. Orton, Captain MC, 174th Station Hospital.

Q How long have you been assigned to the 174th Hospital?

A Since about the 10th of November 1945.

Q Where is that located?

A It is located at Luzon Prisoner of War Camp No. 1.

Q You are a doctor?

A Yes, sir.

Q What medical school did you attend?

A Emory University at Atlanta, Georgia.

Q When were you graduated?

A 1938.

Q Will you state what experience you have had medically with malaria, dysentery, malnutrition, beri-beri, scurvy?

A Do you mean army experience, or --

Q Yes, recently, or any experience you have had at all?

A Well, since the 15th of August 1945, I was attached to the 174th Station Hospital, where every Japanese prisoner who was brought to Luzon Prisoner of War Camp was seen by me or one of my assistants at that camp, and we found them to be suffering from all those diseases you mentioned.

Q About how many were suffering from those diseases out of the total number? Will you give the total number first?

A There were about 76,000 Japanese prisoners of war brought to the camp. Out of that amount, we had approximately a daily sick call of 13,000.

Q What was the date of the greatest number of admissions of patients, admission to the camp at Lupow?

A Do you mean prisoners or patients?

Q Both.

A Well, I don't know either. It was --

GENERAL DONOVAN: Just a minute. If you don't know, that settles it.

THE WITNESS: Yes, sir.

COLONEL MEEK: If the Commission please, I don't know the purpose of this examination, but I do want to call the Commission's attention to the fact that this medical officer is testifying as to conditions in August 1945, a period of time several years after the death march and at a monthly time entirely different, and there has been no basis for this witness to testify as to knowledge as to the length of time these Japanese prisoners of war had been in the Philippine Islands or their previous physical condition. I submit that testimony as to this time and date is

entirely inappropriate and out of order, and move that it be stricken.

CAPTAIN OTT: Well, if Colonel Meek will be patient, I will show that this man has expert medical knowledge on the subject. I don't know that there has been any change in the science of medicine recently, from '41 to '45, that would render this witness' testimony valueless.

GENERAL DONOVAN: The Commission would like for you to tell them what you would like to bring out from this witness -- in a few words, if you can; a few words, just as to the object of this witness.

CAPTAIN OTT: The object of this witness' testimony is to have him express an expert opinion upon the death rate of prisoners of war in the condition in which the American and Filipino prisoners of war were at the time that they were captured, and that will be based upon the testimony given here by Major Tisdelle, which I will read to the witness, and ask him whether he has an opinion on that subject.

COLONEL MEEK: If the Commission please, I submit at this time that this witness would have to be in a position to know how long the Japanese prisoners of war had been in the Philippine Islands, what their rations had been, whether they had been in battle, how long they had been; the months of the year, I believe, have a lot to do with it. The conditions that the American and Filipino prisoners were under were no way conceivably similar to what the Japanese prisoners were in in August of 1945.

GENERAL DONOVAN: I think the Commission fully

realizes a lot of the things you said, Colonel Meek, but we would like to hear him testify just for a while, anyhow.

Q (By Captain Ott) What was the condition of the Japanese prisoners who were suffering from any of the diseases that you have mentioned?

GENERAL DONOVAN: Put some dates in on these questions, will you please?

Q (By Captain Ott) And would you state the date concerning which you will testify as to their condition?

GENERAL DONOVAN: Just general dates. The month and the year is all right.

A The bulk of the prisoners came in during the month of August and the early part of September, 1945, starting from about the 15th of August, and the majority of them were in an extremely emaciated poor condition physically.

Q (By Captain Ott) They were suffering from malnutrition?

A Yes, sir, they were suffering from malnutrition, vitamin deficiencies, tuberculosis, and various dysenteries and diarrheas, for the most part.

Q And malaria?

A And malaria.

Q Was the treatment of these prisoners conducted under your supervision?

A Yes, sir.

Q What was the death rate among those prisoners, if you know?

A I don't know the death rate, sir.

Q How many died from malaria, dysentery and other diseases, after you arrived at the camp?

A The total number of deaths at the hospital was approximately 1800.

Q And what was the total number of prisoners?

A 76,000.

Q Now, what treatment --

GENERAL DONOVAN: Let us get those figures again. 1800 dead, and 76,000 strength; is that correct?

THE WITNESS: Yes, sir.

Q (By Captain Ott) Now, was there any lack of medical supplies or equipment?

A No, sir.

Q At the Lupow Prisoner of War Camp?

A No, sir, we had ample supplies.

Q When the greatest influx of prisoners arrived, were there accommodations at Lupow to take care of them all?

A No, sir.

Q What was there a deficiency of?

A We lacked clothing, tents, bedding. We had ample food.

Q And food?

A No, we had ample food.

Q How long did it take to correct that situation?

A Within two or three weeks.

Q Where did you get the supplies?

A The S-4 at the prison camp requisitioned from depots in Manila.

GENERAL DONOVAN: I wish you would clarify that a little bit. Does he mean that he didn't have enough tents to put the prisoners in, or didn't he have enough tents for

operating facilities, or what? Did the prisoners have to sleep out in the open fields or rice paddies, and all that business?

Q (By Captain Ott) Did the prisoners have to sleep out in the open field?

A Yes, sir.

Q For how long a period?

A Not more than a week. That is, not all the prisoners; some of them.

GENERAL DONOVAN: How many?

Q (By Captain Ott) About how many?

A I don't think there were any more than 3000 who slept outside at one time -- from under cover at one time.

GENERAL DONOVAN: Let me interrupt. I want to try to straighten that out before we get away from the point.

Would you say the conditions were better or worse than what they have been undergoing for the past two or three months, or past two years, in the condition in which they were sleeping?

THE WITNESS: I have no idea, sir, the way they were living in the hills.

GENERAL DONOVAN: You have no idea how they were living in the hills?

THE WITNESS: No, sir.

GENERAL DONOVAN: You don't have any opinion on how they had living in the hills under combat conditions?

THE WITNESS: Yes, sir, I have an opinion.

GENERAL DONOVAN: What is that?

THE WITNESS: I think they were probably not living

under tents up in the hills, they probably were not getting ample food, whereas we gave them ample food. They probably were not getting adequate medical attention, due to lack of supplies, and we gave them ample.

GENERAL DONOVAN: That is all I want. That is perfectly all right. I just didn't want anyone to get the impression that after they surrendered they were under worse conditions than they were when they had been fighting.

CAPTAIN OTT: I am sure I didn't want to give that impression, because I know they were well taken care of.

Q (By Captain Ott) Were the latrine facilities adequate?

A No, sir.

Q What was done about that?

A We had the able-bodied prisoners of war make them as fast as they possibly could do it.

Q How long did it take to correct that situation?

A Perhaps a week or two.

Q All right. I want to read to you from the testimony of Major Tisdelle, pages 2348 and 2349 of the record:

"That the defensive combat efficiency of the Luzon Force had been reduced more than 75 per cent during the final weeks. This was due to malnutrition, avitaminosis, malaria, and intestinal infections and infestations.

"Those men on a duty status were incapable of any long-sustained physical effort. Malnutrition had made troops particularly vulnerable to disease.

"By March 1, 1942, individuals had used up

their reserve and they were deteriorating rapidly in the physical sense. By April 1st the combat efficiency was rapidly approaching its zero point.

"The half-ration was inaugurated 6 January 1942, in terms of energy units the ration averaged 2,000 calories during January. 1,500 calories during February. And 1,000 calories during March.

"The nature of the terrain in which the defense of Bataan was conducted required, conservatively estimated, an energy output from 3,500 to 4,000 calories per man per day. By March 1st serious muscle wasting was evidenced.

"The ration was deficient in Vitamins A, B, C, and D and beriberi became universal. This, in combination with malnutrition, was the cause of thousands of hospitalizations. Bataan is a malarial infested region. The supply of quinine was inadequate for prophylaxis, and by March 1st there was 500 daily admissions to hospitals, and by April 1st this had reached the rate of 1,000 cases daily.

"Serious shortage of drugs for treatment of all types of dysentery and hookworm was existent during the Bataan campaign. Convalescence from all diseases was slow due to the inadequate diet and blood-building drugs. At the time of the surrender there were over 12,000 patients in rear area hospitals.

"The ailment of neuro-fatigue became prevalent due to constant enemy bombing, shelling, and the absence of any counter-activity, particularly in

the air, on the part of our forces."

GENERAL DONOVAN: I would like for you to identify that a little bit further. Is that the testimony, you say, of Major Tisdelle, General King's aide?

CAPTAIN OTT: Yes. He testified that this was based on a report which had been compiled by his staff officers at Camp O'Donnell.

Q (By Captain Ott) Now, on the basis of the facts that I have stated, do you have an opinion as to whether or not deaths would result, even if the best of treatment were afforded those prisoners? I am talking about adequate food and medicine and medical attention.

A Yes, sir; I think the patients would die.

Q Have you any opinion, based upon your medical knowledge, of the number of patients in the conditions shown in this statement that I have read, would die?

A No, sir, except there would be a large number.

Q Well, how large do you think?

A I don't know.

Q What factors would you have to consider in order to base an opinion, other than those stated?

A Well, I believe it is beyond the powers of any doctor to tell who is going to live and who is going to die.

Q Well, based on your experience, there would be a certain mortality expected in a group of this sort, would there not?

A Yes, sir.

Q Now, the number that I have reference to here, we will assume is 70,000 men. Assuming that they were all

in that condition, and assuming further that they were given the best medical care, supplied with all drugs and medicines necessary, had all the food that would be suitable, have you an opinion as to the number, based on your experience, that might die as a result of their illnesses?

A Yes, sir.

Q What is that opinion?

A The 1800 who did die.

Q I am talking about the 70,000 here that are counted by the statement that I read.

A I beg your pardon. I thought you were talking about Japanese prisoners. No, I have no idea about the number that would die here, but I imagine it would be an approximately similar number.

Q That is, under the best treatment and medical treatment, is that right?

A Yes, sir.

CAPTAIN OTT: That is all I have with this witness.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Just two questions.

CROSS EXAMINATION

Q (By Colonel Meek) Assuming that 40,000 of the prisoners of war on Bataan were Filipinos, natives of this country, would you think that in the same period of time a death rate of 26,000 would be excessive?

A I don't understand the question, sir.

Q Well, assuming that of the 70,000 American and Filipino prisoners of war captured by the Japanese on Bataan and put in O'Donnell Prisoner of War Camp, Japanese

Prisoner of War Camp at O'Donnell -- assume that 40,000 of those were Filipinos. Would you say that if the death rate, as the testimony in this case shows, was 26,000, would you think that excessive?

A Yes, sir.

Q Quite excessive?

A Yes, sir.

Q If the death rate of the American prisoners of war, assuming that there was 8500 at O'Donnell, was, in round numbers 1600, would you think that was excessive?

A Yes, sir.

COLONEL MEEK: No further questions.

GENERAL DONOVAN: Questions by the Commission?

EXAMINATION BY THE COMMISSION

Q (By General Valdes) These 1800 deaths covered what period of time, the 1800 deaths in the prison camp?

A They covered a period of time from approximately the 1st of August 1945 to date.

Q Over six months?

A Yes, sir.

Q (By General Trudeau) Captain, how many calories are there in the Japanese ration; do you happen to know?

A Yes, sir.

Q How many?

A 2600.

Q How many calories are we feeding the Japanese prisoners?

A I beg your pardon, sir. I don't know the Japanese ration. I thought you meant what we are giving them.

Q All right. If you don't know, that is the answer to that question. We are feeding 2600 calories a day to the Japanese prisoners?

A To Japanese prisoners, except those in the hospital, who receive 3200 calories.

Q Have you had a chance to observe the 35,000 Japanese prisoners that are working around Manila here in these camps?

A Yes, sir.

Q What is their condition?

A Their condition is excellent.

Q How would you compare it with the condition when they entered our camp six months ago?

A Infinitely better.

Q What would you say the average gain in weight per individual would be?

A Between 20 and 40 pounds.

GENERAL TRUDEAU: Thank you very much.

CAPTAIN OTT: Nothing further.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: We will recess until 1330.

(Whereupon, at 1125 hours, a recess was taken until 1130 hours, 4 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours, 4 February 1946.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

TEIJI IKEDA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters First Lieutenant Charles F. Huston, Sergeant Ogita and T/4 Honda:

DIRECT EXAMINATION

Q (By Lieutenant Nataupsky) Will you state your name?

A Teiji Ikeda.

Q What is your present occupation?

A I am a newspaper writer.

Q For whom are you now working?

A Yomuri newspaper.

Q Has that newspaper company been closed by the American Army Headquarters in Tokyo?

A No, no such thing.

Q Were you ever in the Japanese Army?

A As a civilian attached to the army.

Q When did you enter the army?

A Around December 1941.

Q Had you ever been with the 14th Army?

A Yes.

Q Will you please state the dates when you were with

the 14th Army?

A From December 8th, 1941.

Q Until when?

A Until December 31, 1942.

Q Were you in the Philippines at that time?

A Yes.

Q What position did you hold in the 14th Army?

A I was in the censorship section of the propaganda section of the 14th Army for manuscripts which are directed to the newspapers and magazines of Japan.

Q Did you send any newspaper articles to Tokyo yourself?

A No.

Q Why not?

A My duties were to censor manuscripts which others wrote, and did not include writing of manuscripts myself.

Q Do these reports or newspaper articles describe the conditions existing in the Philippines, as well as in the prisoner of war camps?

A There were some manuscripts to that effect.

Q Did you ever read any of those articles concerning the prisoner of war camps?

A Yes.

Q Do you recall what was said about the conditions in the prisoner of war camps?

A I do not remember the details accurately, but I do remember some of the matters.

Q What were some of those matters that you remember?

A I remember some of the news items, which contained the daily life of a prisoner of war, and also interviews of

prisoners of war.

Q Did those articles contain anything about the conditions of the camps, as far as living conditions were concerned?

A Yes.

Q What was said about the living conditions in the camps?

A News items were not especially unusual. They wrote about the ordinary life of a prisoner of war, and also how the prisoners engaged in sports, and they were interesting as a news item. Nothing unusual.

Q Were there ever any unfavorable reports concerning the prisoner of war camps?

A I did not see any such thing.

COLONEL MEEK: May I inquire if these articles all occurred and appeared prior to August 5, 1942?

LIEUTENANT NATAUPSKY: These articles that you mentioned were written and appeared before August 5, 1942?

A Yes.

Q (By Lieutenant Nataupsky) Did you ever speak to any people who visited the prisoner of war camps?

A Once or twice.

Q What did they say about the condition of the prisoner of war camps?

A Mostly I heard that the food which the prisoners received was not much different from that which the Japanese soldiers received, and also I heard that the Filipinos appreciate the way they were treated by the Japanese.

Q Were you ever in Bataan during the campaign?

A Yes.

Q At the time of the surrender of Bataan where were

your headquarters located?

A In Balanga.

Q How far were your headquarters from that of the 14th Army?

A From the headquarters of the 14th Army it was about 20 to 30 meters.

Q From your headquarters were you able to see the march of the prisoners from Bataan to San Fernando?

A From my house?

Q From your headquarters?

A No, I was not able to see the march.

Q Did you ever see the march of the prisoners?

A Yes.

Q Where did you see the march?

A I saw them on the wide road which runs between Balanga and San Fernando.

Q Did you ever hear of General Homma inspecting this march?

A No.

Q Did you ever hear of General Homma inspecting the march?

A No.

Q If General Homma did inspect the march, would you be in a position to hear about it?

A Yes, I think so.

Q Why do you think so?

A I am in a position as supervisor of the newspaper writers. Therefore, when General Homma goes somewhere newspaper writers always accompany him, and when General

Homma is to go somewhere I usually notify the newspaper writers about the matter.

Q Was there any transportation used for these prisoners of war?

A I heard that transportation was used for serious patients.

Q Did you ever see --

GENERAL DONOVAN: Would you establish the date that he saw this -- how many times?

LIEUTENANT NATAUPSKY: He saw it in Balanga.

GENERAL DONOVAN: How many times, the date, so we will know how much of this that he really knows.

COLONEL MEEK: If it please the Commission, I have let him go on a lot, and he hasn't established who he heard it from, the means or --

GENERAL DONOVAN: Let's get the date straightened out.

Q (By Lieutenant Nataupsky) How often did you see the march of the prisoners?

A (Through Interpreter Ogita) Twice.

Q On what dates?

A I think it was around April the 10th.

GENERAL GARD: Will you look back on the record and read the last answer given before the question of establishing the dates came up.

(Record read.)

LIEUTENANT NATAUPSKY: Do we have the dates established?

GENERAL DONOVAN: I have one date, and I presume he

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(Record read.)

LIEUTENANT NATAUPSKY: Do we have the dates established?

GENERAL DONOVAN: I have one date, and I presume he

saw it twice the same day.

Q (By Lieutenant Nataupsky) On that date did you see the march twice or at different dates?

A On a different date.

Q What was the second date that you saw it on?

A I think it was the following day.

Q You have testified that you heard that transportation was used for prisoners. Did you ever see transportation used for prisoners of war?

A Yes.

Q How often did you see transportation used?

A Once.

Q What date was that?

A Since it was the second time -- since it was on the second time that I saw the prisoners march, it must be the 11th. I am not exactly sure of the date.

Q Did you see the prisoners of war eating at any time?

A Yes.

Q Do you know if water was provided for the prisoners of war?

A Water was offered.

Q How do you know that this was provided?

A At the time the propaganda section was passing out rice, soft cooked rice, to the prisoners, and water was provided at the same time right next to it.

Q Did you have any field kitchen set up at any place on that march?

A The propaganda section set up a kitchen and handed out the food.

Q Is this the place where you saw the prisoners eating and drinking water?

A Yes.

Q Where were these field kitchens set up?

A One was in the north of Balanga and two in the south of Balanga.

INTERPRETER OGITA: May I ask the prisoner again to repeat that?

GENERAL DONOVAN: That is all right. Go ahead.

A (Through Interpreter Ogita) There is a correction on that. There was one to the north of Balanga towards San Fernando, and one to the south of Balanga towards Mariveles.

LIEUTENANT NATAUPSKY: Sir, for the record only, I move that the word "prisoner", referring to the witness, be stricken from the record. No doubt it was unintentional.

GENERAL DONOVAN: Yes.

Q (By Lieutenant Nataupsky) Were newspaper articles written about the march?

A Yes.

Q Did these articles include any mistreatment that might have been committed by the Japanese troops?

A No.

Q When did you first receive complaints concerning the conditions of the march?

A I never received any complaints.

Q When did you first hear about the march of the prisoners from Bataan to San Fernando?

A After the war was over I read in the Japanese news-

papers the article about the condition of the march. This article was taken from an American paper.

Q Did you have any connection whatsoever with the religious section of the 14th Army?

A No.

Q Did you ever know any personnel in that section, religious section?

A Yes.

Q Did you ever speak to them concerning General Homma's policy towards freedom of religion in the Philippines?

A Yes.

Q What was that policy pertaining to religion?

A General Homma's policy was something to the effect that religion must not be restricted to borders or should it be restricted to a race. He believed in the freedom of belief, and especially in the Philippines Catholic was the predominating religion here. He wanted the traditions and the religion respected.

Q Was that policy carried out?

A I believe it was.

Q When was the Koiso Cabinet in Japan formed?

A I think it was around July of 1944.

Q Where were you at that time?

A I was a reporter covering the Premier.

Q Do you know if General Homma ever appeared before this cabinet?

A Yes.

Q For what purpose?

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A I was a reporter covering the Premier.

Q Do you know if General Homma ever appeared before this cabinet?

A Yes.

Q For what purpose?

COLONEL MEEK: How does he know? I would like to get it tied down.

GENERAL DONOVAN: Ask the question.

Q (By Lieutenant Nataupsky) How do you know?

A I know because General Homma went to the Koiso office every day to consult with them.

Q Did you ever interview General Homma concerning this?

A Yes.

Q As reporter for the Premier was this one of your duties to be concerned with the activities of this cabinet?

GENERAL DONOVAN: We will take the answer as yes on that. Have you any objection to that?

He was working for the Premier, and he is bound to cover the cabinet activites.

COLONEL MEEK: No objection.

Q (By Lieutenant Nataupsky) Do you know for what purpose General Homma appeared before this cabinet?

A I understand that General Homma was consulting with Premier Koiso because Koiso held Homma's character in very high esteem.

Q For what purpose was he consulting Koiso?

A I think it was for various reasons.

Q Was one of the reasons to seek peace?

GENERAL DONOVAN: Wait just a moment. Where is he now? Has he covered the cabinet meeting, talking with General Homma or what?

Q (By Lieutenant Nataupsky) Have you interviewed General Homma and now I am asking him by questions the essence of that interview with General Homma.

COLONEL MEEK: I don't understand that to be the trend of this at all. He is asking this witness his opinion of why General Homma was visiting this Premier, and the witness said he doesn't know, and now he is starting to lead him with questions that have to do with peace.

GENERAL DONOVAN: Would you mind telling the Commission which way we are going now from the standpoint of that question?

LIEUTENANT NATAUPSKY: I am going to ask him one of those reasons. If I may I would like to state that reason.

GENERAL DONOVAN: Don't state what it was. Just draw it out some other way.

LIEUTENANT NATAUPSKY: All right, sir.

Q (By Lieutenant Nataupsky) In your interview with General Homma did he tell you what business he had before the cabinet?

A It was because the Premier wanted General Homma's efforts.

GENERAL DONOVAN: Efforts towards what? Ask that now.

Q (By Lieutenant Nataupsky) His efforts toward what?

A His effort as a man of education and of culture.

GENERAL DONOVAN: Towards what? For what purpose? What did the Premier want General Homma to help him do?

A (Through Interpreter Ogita) For general policies.

Q (By Lieutenant Nataupsky) What was General Homma's policy towards the termination of the war?

A I believe he put in his effort to end the war as soon as possible.

GENERAL GARD: Ask what month?

Q (By Lieutenant Nataupsky) What month? When was that?

A (Through Interpreter Ogita) Since the formation of the cabinet the Japanese Government wanted to cease hostilities with the Chungking Government, and also wanted peace with America and England through Russia.

GENERAL TRUDEAU: I have one question. Did the Premier order General Homma to active duty and thereby give him the power to put some of these policies in effect?

LIEUTENANT NATAUPSKY: I want to get General Gard's question answered.

GENERAL DONOVAN: We want to establish some basis on what you are doing. As a matter of fact we have been going around in a circle on this particular witness for the last 15 minutes. Now, make up our minds on which way we are going.

LIEUTENANT NATAUPSKY: I know where I am going. It is a matter of getting it out through interpretation, and sometimes it is difficult and you have to go around it in a difficult way.

Q (By Lieutenant Nataupsky) Did General Homma ever present his policy for the termination of the war before the Koiso Cabinet?

A Yes, I think so.

Q When was this?

A I do not remember the exact date, but it was towards the end of the year 1944.

Q How do you know all this?

A It is my duty to catch such matters.

Q Do you know why General Homma was not successful with this policy before the cabinet?

A I believe that I do know.

Q What do you know?

A It was because at the time the expeditionary forces were in China and a portion of the army were opposed to it.

Q Which cabinet succeeded the Koiso Cabinet?

A Admiral Suzuki, Admiral Kantaro Suzuki.

Q Did General Homma continue his policies before this cabinet?

A I do not know the details of that.

LIEUTENANT NATAUPSKY: Your witness.

CROSS EXAMINATION

Q (By Colonel Meek) These articles that were written for the newspapers that you censored, were they factual or propaganda?

A Factual.

Q If you had received a report or a news story to censor that had stated that the prisoners of war were not being treated favorably, what would you have done?

A It was to be submitted to the staff.

Q If the Japanese reporter had written this story that American prisoners were being ill treated, what would have happened to him?

LIEUTENANT NATAUPSKY: I object, sir. I don't believe the witness is in any position to know how a man would write a story like that.

GENERAL DONOVAN: Objection sustained.

Q (By Colonel Meek) Did you have any regulations regarding the Japanese correspondents as to what they could write or could not write?

A Yes.

Q Briefly, what were the regulations?

A First, on operation; secret matters, such as names of men, of officers over the unit commander, and also names of places cannot be released until permission is granted.

GENERAL DONOVAN: Is that the answer to that question? Is that the whole answer? We don't want any more on the censorship. It is interesting, but --

Q (By Colonel Meek) Was the propaganda section taking moving pictures or still pictures at that time? Do you know?

A No.

Q You stated that General Homma was consulting with the cabinet in 1944 concerning peace terms? Was he offering or was his policy unconditional surrender?

A I do not know as far as that is concerned.

COLONEL MEEK: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan: Were you a censor or a public relations officer or both?

INTERPRETER OGITA: Pardon?

GENERAL DONOVAN: I will withdraw the question. It is all right.

Q (By General Donovan) Do you know when the second battle of the Philippine Sea occurred?

A I do not know whether to say first or second.

Q Do you know when the Japanese considered the battle of

Leyte lost?

A I think it was when Leyte fell.

Q I realize that. When was that? Was it the latter part of November?

A I think it was the latter part of 1944.

GENERAL DONOVAN: That is what I wanted to find out.

Q (By General Trudeau) Was any reporter ever punished for expressing unfavorable views regarding the treatment of prisoners of war or civilians?

A There wasn't a single person.

Q You stated regarding these camps, reporters wrote interesting news items which contained nothing unusual. I don't understand that term. Did they actually report a high number of deaths occurring, and showing by photograph the poor condition of the prisoners of war, or what information did they send?

A No, I don't think they did.

Q Why did the propaganda section have to feed prisoners of war on the march?

A It was because the propaganda section was generally in an easy position to do such things.

Q With your knowledge of General Homma's movements, due to the assignment of the reporters to accompany him, tell us when he went forward to Balanga on the Bataan Peninsula during the ten days following the surrender.

A I do not remember the exact date, but I remember that he went to Manila from Balanga.

Q Undoubtedly General Homma would be interested in the Bataan Peninsula which he just captured. Didn't he go

forward to Balanga immediately following 9 April 1942?

A I do not remember.

Q Since General Homma confided in you that he had these confidential interviews with the Premier of Japan, did he also inform you why he was relieved of the command of the Philippines?

A He never mentioned anything about himself.

GENERAL TRUDEAU: One more question.

Q (By General Trudeau) Do you recall any time General Homma, the victorious commander who had taken Bataan, inspected any of the territory or installations or personnel he had captured?

A Do you mean did I hear from him?

Q On Bataan, does he know? He assigned people to go with him whenever he went out, he said.

A I never heard.

Q (By General Donovan) Was General Homma pictured as a field soldier or an office soldier by the propaganda corps?

INTERPRETER OGITA: Office?

GENERAL DONOVAN: Desk soldier, inside man; outside man or inside man, that is all I want to know.

A (Through Interpreter Ogita) I believe he was nearly always inside.

Q (By General Donovan) Did he stay in his office long periods of time, or did he inspect the units?

A I do not remember him inspecting the various units.

Q Is it possible that he stayed in his office between April 9 and 15 without ever leaving the office in 1942?

A I cannot make a statement as to that.

Q (By General Trudeau) Did he have the reputation of not adequately supervising the operations in the field because of staying in the office so much?

A I have never heard of such reputation.

Q (By General Valdes) Did General Homma publish his policies regarding freedom of religion and other concessions to the Filipino people so as to inform all officers and enlisted men of the Japanese Army?

A Yes.

Q As one of the ranking newspapermen with General Homma did you ever discuss with him the treatment of prisoners of war?

A No.

Q He never gave you his policy regarding what the treatment should be?

A No.

GENERAL VALDES: That is all.

Q (By General Donovan) I want to understand this correctly: Did you testify you do not remember General Homma ever making any field inspection of the front line troops?

A I did not say that I never heard of such a matter, but I just said it was very infrequent.

Q If he had done so would you have known it, being PRO, or the censor?

A Various reporters would submit manuscripts and talk to me about it.

Q You did testify that he was primarily an office man, did you not?

A The nature of the question was whether he was in the office more or whether he was outside more, so I said that he was in the office more.

Q How much more?

A I do not know.

Q How much in a week? How many days in a week did he spend outside and how many inside?

A I do not know such details.

Q Such details?

A Yes.

Q (By General Gard) If General Homma's visits to the front lines were so infrequent he should be able to remember those memorable occasions, should he not?

A If he went I would know it, but if he did not go I would not know about it.

Q Did General Homma tell you when he adopted his peace policy, when he discussed the peace policy with the premier?

A I do not know when he first started planning on such matters, but we heard about it later.

Q Have you ever compared an article which you passed as censor with the same article as it appeared in print in Japan?

A There were some.

Q I asked if you ever compared them. Yes or no.

A When I got hold of a Japanese paper I did compare it.

Q Did you notice any changes?

A There was no difference.

GENERAL DONOVAN: Anything further?

LIEUTENANT NATAUPSKY: I have about three questions.

REDIRECT EXAMINATION

Q (By Lieutenant Nataupsky) Was it your job to go with General Homma on inspection tours?

A No.

Q Where was General Homma's personal quarters in Balanga?

A It was near the Army Headquarters.

Q If you walked from Army Headquarters to his personal quarters could you see the prisoners?

GENERAL DONOVAN: On the road?

LIEUTENANT NATAUPSKY: On the road, yes.

A (Through Interpreter C. 'ta) The prisoners did not pass that place.

Q (By Lieutenant Nataupsky) When was General Homma's name revealed to the public during the Philippine campaign?

A April 9th or 10th, 1942.

Q Did the people of the Philippines know who was the commanding general of the 14th Army before that time?

A I do not know.

LIEUTENANT NATAUPSKY: No further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) I want to understand one other thing. As a newspaperman you did not view the Death March or the Bataan March until the second day after it started?

Ask him that.

As a newspaperman you did not consider the march of sufficient importance to witness it the first day?

A I never made such an answer.

Q You said you visited it on the 10th. The 10th was when you visited it, was it not? Why didn't you look at it on the 9th?

A I have my duties, so I cannot go out freely.

GENERAL DONOVAN: That is all.

Anything further?

LIEUTENANT NATAUPSKY: I have one more question now, sir.

FURTHER REDIRECT EXAMINATION

Q (By Lieutenant Nataupsky) At the end of the Bataan campaign were you a newspaperman or were you just a censor?

A I was a censor.

LIEUTENANT NATAUPSKY: No further questions.

GENERAL DONOVAN: We will take a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

TEDY MANUEL

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Olimpia Catanjal and Ena Zoza:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, rank, and organization?

A (Through Interpreter Catanjal) Tedy Manuel.

GENERAL DONOVAN: Does he speak English?

CAPTAIN OTT: He speaks English, but does not understand it very well.

GENERAL DONOVAN: Before we get started have him speak loud enough so everybody can hear.

THE WITNESS (through Interpreter Catanjal): Tedy Manuel.

GENERAL DONOVAN: How does he spell his last name?

THE WITNESS (without aid of Interpreter): M-a-n-u-e-l.

Q (By Captain Ott) Are you in the Philippine Army?

A (Without aid of Interpreter) Yes.

GENERAL DONOVAN: Maybe we can do it in English.

Q (By Captain Ott) What is your rank in the Philippine Army?

A (Without aid of Interpreter) Corporal, sir.

Q Were you ever interned as a prisoner of war at Camp O'Donnell?

A Yes, sir.

GENERAL DONOVAN: Speak a little louder.

Q (By Captain Ott) Where were you interned at? What day were you interned there?

A (Through Interpreter Catanjal) 28 December 1941.

Q What date?

A 28 December 1941.

Q What date did you enter Camp O'Donnell as a prisoner of war?

GENERAL DONOVAN: Ask him that question again. There seems to be some misunderstanding here.

Q (By Captain Ott) On what date did you enter Camp O'Donnell as a prisoner of war?

A (Without aid of Interpreter) I was captured on Carabao Island, sir.

Q On what date were you captured at Carabao Island?

A 7 May 1942.

Q Then you were taken to Camp O'Donnell?

A I beg your pardon, sir?

Q Were you taken to Camp O'Donnell and interned there as a prisoner of war?

A (Without aid of Interpreter) No, sir.

GENERAL DONOVAN: I think we will have to use the Interpreter. Try it again through the Interpreter.

Q (By Captain Ott) What date did you enter Camp O'Donnell?

A (Through Interpreter Catanjal) 25 May 1942.

Q When were you released from Camp O'Donnell?

A 4 August 1942.

Q When you were at Camp O'Donnell did you see any mistreatment of prisoners of war by Japanese soldiers?

A (Without aid of Interpreter) Yes, I was beaten by the Japanese soldiers.

Q When were you beaten?

A When I was interned in their barracks, as one of the laborers in the barracks, and once I am tired and just taking a rest, and I was beaten by the Japanese soldiers.

Q Did you see any other beatings by the Japanese soldiers?

A Slappings.

Q How often?

A (Through Interpreter Catanjal) Often times.

Q Did you see any Japanese soldiers bayonet any prisoners of war?

A (Without aid of Interpreter) No, I have not seen any.

Q Did you see any Japanese soldiers shoot any prisoners of war?

A (Without aid of Interpreter) I have not seen any, sir.

Q Did you see any Japanese soldiers shoot or bayonet

any prisoners of war from the time you were captured until you were released from Camp O'Donnell?

A (Through Interpreter Catanjal) No, sir.

Q While you were at the prison camp did you see any buying of medicine in the camp by the prisoners of war from other people in the camp?

GENERAL DONOVAN: Purchased?

CAPTAIN OTT: Yes.

Q (By Captain Ott) Did you see any purchasing of medicines by prisoners from others in the camp?

A (Without aid of Interpreter) Yes, I have seen it in the camp. I have seen some persons selling some medicines in the camp.

Q Did you see any carabao herded in camp alive, herded there, which were to be used and were used for meat for the prisoners?

A Yes, sir.

Q How many carabao did you see in camp on any one day, the largest number that you saw in any one day?

A I have seen 30 numbers once.

Q Were these carabao slaughtered in camp and turned over to the Filipino camp authorities for feeding prisoners?

A Yes, sir.

Q About how many a day were turned over that way to the prisoners?

A In each sub-group, sir, one carabao was killed.

Q And how many people were there in a sub-group?

A Around 500, 600, sir.

Q Was there any difference in the amount and quality

of food which some prisoners got, compared with other prisoners?

A Yes, sir.

Q Will you explain what the difference was?

A The officers have the privilege to have more foods than the enlisted men, sir.

Q How much more food did they have? Meat, when you didn't have meat -- or will you explain that difference?

A They had meat, camotes, and some others which come from outside the camp, from other officers.

CAPTAIN OTT: That is all I have of this witness.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Yes, sir.

CROSS EXAMINATION

Q (By Colonel Meek) Your testimony has to do with the Filipino part of O'Donnell only? Your testimony has to do with the Filipino part of Camp O'Donnell only?

GENERAL DONOVAN: Repeat that, will you, please?

(Translated to the witness by Interpreter Catanjal.)

A (Through Interpreter Catanjal) Yes, sir.

Q (By Colonel Meek) Filipino prisoners of war also purchased food, did they not? You also observed Filipino prisoners of war purchasing food as well as medicine?

GENERAL DONOVAN: Just say "Did Filipino prisoners of war purchase food?"

(Translated to the witness by Interpreter Catanjal.)

A (Without aid of Interpreter) That is right.

COLONEL MEEK: Let me withdraw the question.

CAPTAIN OTT: Did the witness understand that question?

Q (By Colonel Meek) Did the Filipino prisoners of war buy food?

A (Without aid of Interpreter) We buy it mostly from the officers who just went out of the camp.

Q Were carabao butchered every day?

A Yes, sir.

Q How many of these 500 groups, sub-groups, were there in the camp?

GENERAL DONOVAN: You had better talk to him, Colonel Meek; talk straight to him.

Q (By Colonel Meek) How many of the 500-man sub-groups were there in the camp?

GENERAL DONOVAN: I don't think he is going to make that. Ask him what the strength of the camp was.

THE WITNESS: The strength of a sub-group, sir?

Q (By Colonel Meek) Well, there was one carabao killed for each 500 men, is that right?

A Yes, sir.

Q How many Filipino prisoners of war were there in the camp?

A I don't remember, sir.

GENERAL TRUDEAU: Try it on how many carabao did it take to go around.

Q (By Colonel Meek) How many carabao did it take to feed the camp each day?

A One carabao.

Q One carabao for the entire camp, or for 500 men?

A For 500 men, sir, in each group.

Q All right. How many carabao did it take to feed all

the prisoners of war in the camp each day?

A Well, I don't know, sir.

GENERAL DONOVAN: Find out, if you can, approximately how many prisoners were up there, in his opinion.

Q (By Colonel Meek) About how many prisoners do you think there were in O'Donnell while you were there?

A We are in large numbers.

Q A very large number? Would you say it was 40,000?

A I think so.

Q About 40,000?

A Yes, sir.

GENERAL DONOVAN: How about 50,000?

Q (By Colonel Meek) Could it have been as much as fifty or sixty thousand, do you remember?

A I don't remember, sir.

Q Were there very many of the Filipino prisoners of war who died at O'Donnell?

A Yes, sir; 500 at least, sir.

Q 500 a day?

A Yes, sir.

THE REPORTER: Was the answer "500 at least," or "500 a day"?

THE WITNESS: 500 at least.

Q (By Colonel Meek) Why were you released on the 4th of August? Why did they let you go?

A Because we are sick, sir. All war prisoners, those who were sick, who were able to be released from the camp.

Q When did you get sick?

A It is in the month of June, sir.

the prisoners of war in the camp each day?

A Well, I don't know, sir.

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Q About 40,000?

A Yes, sir.

GENERAL DONOVAN: How about 50,000?

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Q 500 a day?

A Yes, sir.

THE REPORTER: Was the answer "500 at least," or "500 a day"?

THE WITNESS: 500 at least.

Q (By Colonel Meek) Why were you released on the 4th of August? Why did they let you go?

A Because we are sick, sir. All war prisoners, those who were sick, who were able to be released from the camp.

Q When did you get sick?

A It is in the month of June, sir.

Q In the month of June, after you were a prisoner at O'Donnell?

A Yes.

Q How much weight did you lose?

A Around six kilos.

Q Now, when you were released, did you have to report to the Japanese Army after your release?

A I was released with guarantor.

Q You mean that someone guaranteed to the Japanese Army that you would stay home and not fight any more? Do you understand the question?

A I don't think so, sir.

Q Who guaranteed --

A My mother-in-law, sir.

Q Your what?

A My mother-in-law.

Q Your mother-in-law guaranteed for you? What did she guarantee that you would do?

A We have given an oath, sir; oath paper.

Q You gave an oath paper?

A Yes, sir.

Q To the Japanese Army? What did that oath paper say? Do you know what it said?

A I forgot, sir.

Q Well, tell us what you remember about it.

CAPTAIN OTT: May the witness be instructed that he may speak in Tagalog if he has any difficulty in expressing himself? I have the same difficulty with him.

GENERAL DONOVAN: He can speak Tagalog or English,

either one, whichever suits him.

Q (By Colonel Meek) Can you recall what the oath said that you or your mother-in-law signed to get you released from O'Donnell?

A Yes, sir, but I don't remember what was in the oath, sir.

Q You don't remember anything about it?

A I don't remember, sir.

Q Did it have anything to say that you would not take up arms against the Japanese; that you would not fight the Japanese? Did you say that in the oath, do you remember?

A I don't remember, sir.

COLONEL MEEK: Nothing else.

EXAMINATION BY THE COMMISSION

Q (By General Valdes) You stated that some of the prisoners of war purchased medicines from other prisoners of war. Do you remember any particular instance and the names of these individuals who sold the medicines?

A I don't know their names, sir.

Q You do not know them. Were they officers or enlisted men?

A I have known, sir, that these officers were obtaining these medicines outside.

Q They were obtaining these medicines outside?

A Yes, sir, those who have been detailed from Capas.

Q (By General Trudeau) Weren't the Filipino officers spread into the different sub-groups?

A Yes, sir.

Q How did they get more food than the men, then? Did

they eat in the same mess?

A No, sir.

Q Did they eat in the same mess?

A No, sir.

Q A separate mess?

A We are just eating in our barracks, sir, while the officers have their mess hall.

Q (By General Donovan) Did you ever buy any medicine?

A Beg pardon?

Q Did you ever buy any medicine from an officer?

A No, sir.

Q Did you ever buy any medicine from a Filipino soldier?

A No, sir, because I have not even a cent in my pocket --

GENERAL DONOVAN: I just asked you the question if you bought any.

REDIRECT EXAMINATION

Q (By Captain Ott) In your sub-group were you able to get medicine? In your sub-group were you able to get medicine?

A Yes, sir, in Group 15.

Q You mean you didn't have to pay for it?

A No, sir.

Q In some groups, in order to get medicine, did people have to pay for it?

A Yes, sir, in other groups.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

CAPTAIN OTT: This witness, I think, speaks English very well.

GENERAL DONOVAN: Do you speak English?

FIRST SERGEANT AQUINO: Yes, sir.

PORENCIANO G. AQUINO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, rank, and organization?

A First Sergeant Porenciano G. Aquino, 6738227.

Q How long have you been in the Philippine Army?

A I have been in the Philippine Scouts, sir.

Q Philippine Scouts?

A Yes, sir.

Q How long have you been in the Philippine Scouts?

A 23 years ago, sir.

Q Where were you captured?

A I was captured at Corregidor, sir.

Q And how were you transferred from Corregidor, and where did you go?

A We were transferred by boat, sir.

Q Where?

A From Corregidor to Manila.

Q And where did you land in Manila?

A At Pier 7, sir.

Q Where did you go after you landed in Manila?

A From Pier 7 up to Old Bilibid Prison. We walked, sir.

Q How long were you at Bilibid Prison?

A We stayed there two nights, sir.

Q Where did you go then, and how did you go?

A From Bilibid Prison up to Tutuban Station, we walk again; and from there we were taken by train up to Capas.

Q And what camp were you in?

A Beg pardon, sir?

Q You went by railroad to what station?

A Capas Station, sir.

Q And then where did you go?

A Then we went to concentration, O'Donnell, by foot.

Q By walk?

A By walk.

Q And what date did you enter Camp O'Donnell?

A We entered there the 27th of May, 1942, sir.

Q Were you released from Camp O'Donnell?

A Yes, sir.

Q On what date were you released?

A I was released the 3rd of October, 1942, sir.

Q Had there been releases of prisoners from the camp prior to your release?

A I have seen prisoners released, in the first bunch, those having sickness, bed patients, sir. Then later these walking patients, and we were released alternate.

Q Now, do you know whether all Filipino prisoners were released by the end of 1942, from Camp O'Donnell? Do you know that?

A Yes, sir.

Q They were?

A Yes, sir.

Q Did you see any brutalities committed by any Japanese soldiers from the time of your capture until you were re-

leased from Camp O'Donnell?

A Yes, sir.

COLONEL MEEK: Wait a minute. Let us confine this --

GENERAL DONOVAN: Just a minute. Do you have an objection?

COLONEL MEEK: Yes; I would like to get some dates that he is going to confine it to. He hasn't told us yet when he was captured, and we are surely not going beyond the 5th of August, 1942.

GENERAL DONOVAN: It is clear enough to the Commission that the dates have been set up, the dates have already been set up.

COLONEL MEEK: This man was released on the 3rd of October, 1942.

GENERAL DONOVAN: That is right; the dates he asked him for while he was at O'Donnell.

CAPTAIN OTT: That is right. I went from the date of his capture.

Q (By Captain Ott) What date were you captured?

A I was captured the 6th of May, 1942.

Q Now, from May 6th to the date of your release from Camp O'Donnell, did you see any mistreatment of prisoners of war, Filipino or American?

A Yes, sir.

Q Will you state what you saw?

A In the first place, right at Corregidor, on our way to concentration camp, I saw one Japanese soldier hit one Filipino prisoner of war, on our way to the 92nd Garage concentration camp.

Second, when we are at Bilibid Prison, I saw another Japanese guard who slapped one American and one Filipino for almost one hour. I can tell this, because there is a clock on the table, from the start up to the finish.

Q Now, during this period did you see any other acts of brutality committed by Japanese soldiers upon prisoners of war? Any others?

A No more, sir.

Q No more?

A [illegible].

Q When you were at Camp O'Donnell did you buy any medicine from anyone in camp?

A [illegible].

Q From whom did you buy medicine?

A From a Filipino first-aid man.

Q How much did you pay for the medicine?

A I bought it at two-fifty a tablet.

Q What kind of medicine?

A Sulfathiazol.

Q Do you know whether the other prisoners bought medicine while they were in camp?

A I did not see anything, anybody, sir.

Q Did anybody tell you that they had bought medicines from other people in the camp?

A Yes, sir.

Q While you were in camp, did you see any herd of carabao in camp that was used as meat for prisoners of war?

A I have seen cows only, sir.

Q Carabao cows?

A Cows only; cattle.

Q I see. Cattle?

A Yes, sir.

Q What was the largest number of cows that you saw at Camp O'Donnell at any one time, one day?

A For one group they slaughtered two cows, for one group.

Q And how large is a group?

A One group amounted to 600 prisoners, sir.

Q Now, how many cows did you see alive in a herd on any one day?

A I beg pardon, sir?

Q Were these cows alive when they were in camp?

A Yes.

Q How many did you see on any one day?

A I saw one time 20 cows in one of the corrals inside the camp, concentration camp.

GENERAL DONOVAN: Let us get that number.

What was that number?

THE WITNESS: Twenty cows.

CAPTAIN OTT: That is all I have.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Yes, sir.

CROSS EXAMINATION

Q (By Colonel Meek) When did you leave Corregidor and come to Manila?

A Beg pardon, sir?

Q When were you brought from Corregidor to Manila?

A We were brought to Manila on the 25th of May, sir.

Q 25th of May?

A Yes, sir.

Q How long did you stay at Bilibid?

A We stayed there two nights; one day and two nights.

Q Your testimony has to do only with the Filipino part of Camp O'Donnell, is that right?

A Beg pardon, sir?

Q Your testimony has to do only with the Filipino part of Camp O'Donnell?

A Filipino?

Q Yes, the Filipino part. You know there was an American and Filipino part to O'Donnell?

A Yes, sir.

Q And all you testified to has to do only with the Filipino part of that camp, is that right?

A We got a Filipino department, also.

Q How many Filipino prisoners were there at O'Donnell?

A I cannot tell exactly, sir.

Q You never have heard?

A No, sir.

Q Would you say it was as many as 50,000?

A Approximately that, sir.

Q What was the death rate there? How many died each day?

A On my first arrival there, I saw less or more than 300 or 400 a day.

Q 300 or 400 a day?

A Yes, sir.

Q Do you know the cause of death?

A Because of malaria and dysentery.

Q Would you say any of those deaths were caused by Jap

brutality?

A I never saw that.

Q What?

A I did not see it.

CAPTAIN OTT: I object to that. He has testified to what he considered brutalities.

GENERAL DONOVAN: Well, he answered "No."

Q (By Colonel Meek) Now, this medicine that you purchased, do you know whether that was medicine that this fellow prisoner of war, this comrade, had gotten from the Japanese, or was it medicine that he had already had of his own?

A Well, I cannot tell exactly. I don't know.

Q Do you know whether or not the Japanese ever gave the prisoners of war any medicine?

A Well, medicine that I bought down there.

Q Was it Japanese medicine, or was it American medicine?

A It was American medicine.

Q American medicine?

A Yes, sir.

Q Do you know whether the Japanese ever furnished any medicine to the prisoners of war at O'Donnell?

A Beg pardon, sir?

Q Do you know whether the Japanese Army ever furnished any medicine to the prisoners of war at O'Donnell?

A Well, I heard from somebody that Japanese medicines were not brought inside the camp.

Q No Japanese medicine was brought in the camp?

A That is what I heard, sir.

Q Now, how big were these cows that you saw? About what would you say they weighed?

A I have seen only medicine from Red Cross.

Q All right; you saw medicine from some Red Cross. We will develop that a little further. How much medicine from the Red Cross did you see in the camp?

A Well, as far as my understanding, those medicines were from the Red Cross, sir.

Q Well, was that prior to August 5th? Did the conditions at [illegible] get better as the camp went along? Did conditions get better there after the 1st of August than they were prior to that?

A They started getting worse, sir.

Q What?

A They started getting worse, sir.

Q Still getting worse?

A Yes, sir.

Q Now, did you see any Red Cross medicine in that camp prior to the 1st of August, 1942?

A No more, sir.

Q You didn't see any at that time?

A No, sir.

Q Then the medicine you saw there from the Red Cross came in after August 1 of 1942?

A Yes, sir.

Q Now then, these cows that they brought in there, how big were those cows? About what did they weigh?

A I beg your pardon, sir?

Q What would these cows weigh that were brought in there

for you to kill, eat?

A You mean the medicine?

Q How big, how much did they weigh, the cows, carabao?

A Carabao you mean, sir?

Q How much would they weigh?

A It is not carabao; it is cows, cattle.

Q All right, cattle. How much would they weigh?

A Well, weigh around 500 pounds, sir.

Q About 500 pounds?

A Yes, sir.

Q That is, alive?

A Yes, sir.

Q And they were killed, two of those for 600 men?

A 600 men for two.

Q How often would they do that?

A They often slaughtered two times a week.

Q Two times a week?

A Yes, sir.

Q That was every week?

A That is every week.

Q That was two of these cows for each of the sub-groups of 600 men?

A Not enough, sir.

Q It wasn't enough?

A Not enough.

Q Well, did they have enough to go to each one of these groups? That is what I am trying to find out.

A Well, as far as my understanding, that when that meat was issued to the group, we just only taste it; a little

meat only.

Q Well, it was distributed in the group that you were in, and every man got his equal share of it, didn't he? Some of your group wouldn't get more than others, of this cattle, would they?

A Well, I don't know, because I have not seen them, sir; only in my group.

Q I am talking about your group. It was equally divided in your group, the meat was equally divided among the comrades in your group, is that right?

A Well, the meat is not divided among the group, but so far as my understanding -- because some of these officers, what I understand, that they have more meat than the enlisted men in the group, in the barracks.

Q Well, how about in your group? That is what we are talking about.

A Sir?

Q In your own group.

A In my own group they are not satisfied; it is lacking, sir, not enough.

Q Not enough?

A Yes, sir.

Q I know there wasn't enough; there couldn't have been enough --

A Not enough, sir.

Q But the amount that you did have, was it divided equally among the men in your own group?

A Yes, sir, among my own group.

Q All right. How many sub-groups were there in the camp?

A Well, the group in the camp is from one up to sixteen; 16 groups, sir.

Q Sixteen groups?

A Yes, sir.

Q Of 600 men each?

A Six hundred men each.

Q What else did you get in the way of food?

A Two times a day.

Q You had two meals a day?

A Yes.

Q What else did you get besides the cow they butchered?

A Sometimes we get mango.

Q And what else?

A Kangkong.

Q Did you get any rice?

A We get rice, sir.

Q How much rice did they give you?

A Well, the rice is enough for the men.

GENERAL DONOVAN: Let's find out what he said. Will you read the answer?

(Answer read.)

COLONEL MEEK: I have no further questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) These 16 groups only add up to about 10,000 people, is that right?

A No, sir, because in one group there are six barracks; one barracks 200 men.

Q All right.

GENERAL DONOVAN: Do you have any other questions?

CAPTAIN OTT: No, sir.

GENERAL DONOVAN: Colonel Meek?

GENERAL TRUDEAU: Where did the American prisoners from Corregidor land? At Pier 7?

THE WITNESS: I beg your pardon, sir?

GENERAL TRUDEAU: Did the American prisoners from

Corregidor land at old Pier 7 with you?

THE WITNESS: We were paraded, sir, and I don't know where they landed.

GENERAL TRUDEAU: Were the Americans and the Filipinos together?

THE WITNESS: Only the Filipinos.

GENERAL TRUDEAU: Where were the Americans?

THE WITNESS: They landed later than we were landed at the pier.

GENERAL TRUDEAU: Where did they land, do you know?

THE WITNESS: I don't know.

GENERAL DONOVAN: When did the Americans land? When did you land, what date?

THE WITNESS: We landed at Pier 7.

GENERAL DONOVAN: What date?

THE WITNESS: On the 27th.

GENERAL DONOVAN: When did the Americans land?

THE WITNESS: I beg your pardon?

GENERAL DONOVAN: On what date did the Americans land in Manila, the prisoners from Corregidor?

THE WITNESS: They landed in Manila the same time we do.

GENERAL DONOVAN: The same time you did?

THE WITNESS: Yes. We are only a little more than two hours later.

GENERAL DONOVAN: How many were in your group?

THE WITNESS: In our group about 500, sir, in one boat.

GENERAL DONOVAN: In one boat?

THE WITNESS: Yes.

GENERAL DONOVAN: How many boats landed?

THE WITNESS: Just one.

GENERAL DONOVAN: At Pier 7?

THE WITNESS: Yes, sir.

GENERAL DONOVAN: And no Americans?

THE WITNESS: No Americans.

Q (By General Valdes) Sergeant, you stated that you bought tablets of sulfathiazol at two pesos, fifty centavos each. Do you know the names of the persons who sold them to you?

A No, sir, I don't know that.

GENERAL VALDES: That is all.

GENERAL DONOVAN: Colonel Meek, do you have anything?

COLONEL MEEK: That is all.

CAPTAIN OTT: I think the witness failed to state his rank. Will you state your rank?

THE WITNESS: First Sergeant.

GENERAL DONOVAN: All right. The witness is excused.

(Witness excused.)

GENERAL DONOVAN: We will have a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

CAPTAIN CALYER: The Commission is in session, sir. All members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Sir, Colonel Meek has been called to the telephone, but with your permission I will swear the witness.

GENERAL DONOVAN: Well, Colonel Meek is here now, and he can swear the witness.

EIJIRO NAMIKAWA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Lieutenant Onodera and Sergeant Ogita:

DIRECT EXAMINATION

Q (By Captain Coder) What is your name?

A (Through Interpreter Onodera) Eijiro Namikawa.

Q And your nationality?

A Japanese.

Q When did you first come to the Philippine Islands?

A December of 1935.

Q What was your work here?

GENERAL DONOVAN: Does he speak English? Well, let's get the answer first.

THE WITNESS: (Through Interpreter Onodera) I exported iron, copper and manganese ore to Japan.

CAPTAIN CODER: This witness speaks English, but he asked to speak in Japanese. He does not hear very well.

GENERAL DONOVAN: All right.

Q (By Captain Coder) Were you working for the Japanese Government?

A (Through Interpreter Onodera) No.

Q Where were your offices?

A The first office was at San Marcelino, and then it was at Isaac Peral, and then it was at the Regina Building at Escolta.

Q Were you in Manila in December of 1941?

A No.

Q When had you left Manila?

A September.

Q When did you return to Manila?

A The 3rd of February, 1942.

Q Will you describe any changes that you observed in Manila after you returned in February of 1942?

GENERAL DONOVAN: Along what lines? Any particular line? What type of change do you mean? Do you mean a change in the appearance of the city?

CAPTAIN CODER: In the carrying out of his business.

THE WITNESS: (Through Interpreter Onodera) From the standpoint of we business men I noticed that the prices of commodities were cheaper. The reason for that is that before the war the exchange rate was one peso to two yen. However, when I came back to Manila in February of 1942 the peso was on a par with the yen, and commodities seemed cheaper than what it was before. However, I was dealing in the mines, and we did not deal in commercial transactions, therefore, it would be difficult for me to compare the changes from the commercial viewpoint.

Q Was a military government set up here upon your return?

A Yes.

Q Did you do business through that military government?

A I engaged in the developing of mines by order of the Military Administration Section.

Q Previously you operated mines for your own benefit,

is that correct?

A Before that I bought the products which came out of the mines and exported them to Japan.

Q Who was in charge of the military government?

A The head of the Military Administration at the time was Major General Hayashi. However, the man who dealt directly with us, the man who was in charge of the mining section, was Mr. Fukui.

Q Did you know Major General Hayashi personally?

A I met him for the first time after I came here.

Q Did you have any social contact with him, or was it purely business contacts?

A I did not associate with him socially; I just contacted him for business purposes.

Q Did you ever discuss with him his policy towards Filipino civilians?

A No.

Q Did you have many friends among the Filipino civilians?

A Yes, many.

Q Did they ever make complaints to you concerning the military government?

A I heard complaints many times.

Q What was the nature of these complaints that you heard?

A It was on the misunderstanding that came from the difference in customs and traditions and mode of living of the Japanese people and the Filipino people.

Q Can you name anything specifically?

A For instance, a slapping, which is a common place thing among the Japanese, was very much disliked by the Filipinos, and the misunderstandings arose from that fact. Another illustration is the attitude and treatment of women, on which both countries differed.

Q Did you make any effort to iron these differences out with the military authorities?

A First, I have told all of my employees, the old ones and those who arrived later, the new ones, that because we employed many laborers in our mines, I told them that no slapping will be allowed in my company, and if they did slap, if any slapping did occur, these offenders would be sent back, fired and sent back to Japan. I gave orders like that. I believe that in many companies and in all the mines under my company there was no case of slapping.

GENERAL DONOVAN: Is the Accused tied in here somewhere?

CAPTAIN CODER: Yes.

GENERAL DONOVAN: I would like to get to the point.

CAPTAIN CODER: Very well, sir.

Q (By Captain Coder) Continue.

A (Through Interpreter Onodera) Another reason that caused misunderstandings was the language. The Military Administration Section had ordered us to teach Japanese to the Filipinos. However, I felt that it was necessary to teach English to the Japanese rather than teach Japanese to the Filipinos, and I had my younger office workers take English lessons once a week, and in this way -- not once a week -- but one hour a day, and thus encouraged

them to learn English so they could communicate their ideas to the Filipinos.

GENERAL DONOVAN: Do you want some more along that line?

CAPTAIN CODER: No, sir.

Q (By Captain Coder) Did you take these matters up with any members of the staff of the 14th Army?

A (Through Interpreter Onodera) I did not make an official suggestion to the people. However, in the course of my visits and associations with the Japanese staff members, and also with the officers, every chance I had I talked to them about this.

Q Did they make any effort to relieve these conditions?

A They understood my point of view and agreed with me, so I imagine that they gradually, they made efforts to gradually improve the situation.

Q Do you know General Homma, the Accused in this case?

A Yes, I know him.

Q When did you first meet General Homma?

A I recollect it as being either in 1940 or 1941, the early part of it.

Q Did you subsequently get to know General Homma well?

A Yes, later.

Q Were your contacts with him of a social or of a business nature?

A I did not meet him on business at all.

Q Did you form an opinion of the character of General Homma?

COLONEL MEEK: Just a minute; before that question is answered I would like to inquire is the purpose of this

question to determine whether this is a character witness? If so, I object to the way the question is put and ask that it be put properly. The question is: Did you form an opinion as to the character of General Homma, which, if he is putting this man on now to testify as to character, it requires a yes or no answer.

CAPTAIN CODER: I have no objection to him answering yes or no.

COLONEL MEEK: And it should be whether he is acquainted with his general reputation.

GENERAL DONOVAN: Tell the witness to answer yes or no.

THE WITNESS: (Through Interpreter Onodera) I came to gain the impression that he was a very fine man.

GENERAL DONOVAN: The answer is yes.

CAPTAIN CODER: All right.

Q (By Captain Coder) Will you tell the Commission upon what that conclusion is based?

GENERAL DONOVAN: Just a minute. You better hold up a little bit until you get this straightened out.

THE WITNESS: (Through Interpreter Onodera) Since I came to Manila and met General Homma I paid two or three visits, and in those visits I learned that during the time that General Homma governed the Philippines he wanted and he expressed his desire to administer the Philippine Islands culturally and peacefully and not without the use of military force to oppress the people --

GENERAL DONOVAN: Not without?

INTERPRETER ONODERA: I am sorry. "Not with the military force to suppress the people." I felt that

General Homma was not an ordinary military man, and I came to respect him more and more.

Q (By Captain Coder) Anything further?

A And another of the reasons that I came to admire General Homma's character was that in spite of the fact that he tried to govern the Philippines with this lofty ideal, he was retired into the reserve list after only two or three months in Manila, and this caused me to sympathize with him greatly, and I came to feel -- to admire him and feel attached to him more and more.

COLONEL MEEK: If the Commission please, at this time I move to strike all of the answer of the witness as being purely the opinion of the witness and in no way testimony as to his reputation.

CAPTAIN CODER: Sir --

GENERAL DONOVAN: The objection is not sustained. Ask the next question, please.

Q (By Captain Coder) Did you ever visit Santo Tomas?

A Yes.

Q Can you describe the conditions that you saw there when you visited it?

GENERAL DONOVAN: At what time?

Q (By Captain Coder) When did you make the visit to Santo Tomas?

A (Through Interpreter Onodera) From February to April of 1942 I made several trips.

Q Can you describe the conditions that you found there when you visited it?

GENERAL DONOVAN: Is he giving a bunch of names of people?

INTERPRETER ONODERA: No, sir, just one name.

A (Through Interpreter Onodera) I had many American friends inside of Santo Tomas camp, so after I came here I went to visit them to offer them my sympathy. Among them there was Mr. Blessing, who was a treasurer of the Nielson & Company. I thought that perhaps he was hungry and was suffering, so I went --

GENERAL DONOVAN: What you are interested in is the conditions at Santo Tomas, isn't it?

CAPTAIN CODER: Yes, sir. I believe he is going to tell that now.

GENERAL DONOVAN: Let us find out about that now. Let us see what you have there.

THE WITNESS: (Through Interpreter Onodera) In Santo Tomas, I felt it must be very inconvenient, so I went to see Mr. Nielson and offered to hand in anything to him. He told me that he had everything, so I asked him, "How about food?" And he said, "No," he did not want food; the only thing that he wanted was freedom. I felt rather dissatisfied, not being able to help.

GENERAL DONOVAN: Would you mind asking him the specific questions now, and try to get him to give the answer directly?

Q (By Captain Coder) Were any complaints made to you by your friends in Santo Tomas about the food conditions there?

A (Through Interpreter Onodera) No, I did not hear it from anybody.

Q Were any complaints made about sanitary conditions

there?

A Because I am not an official or officer of the Japanese Army, I was not allowed to visit the other places. The only place I saw the people was in the visiting room.

Q Did any of your friends complain about sanitary conditions to you?

A No, I did not hear anything. In fact, his clothes looked quite neat, and probably neater -- more neatly laundered than mine.

CAPTAIN COWER: You may examine.

CROSS EXAMINATION

Q (By Colonel Meek) When you returned to the Philippines in 1942, were you employed by the government?

A (Through Interpreter Onodera) No, I was not hired. The government had seized all mines in the Philippines, and I just received an order to operate those mines.

Q Were you working for the army?

A When you say working for the army, what do you mean?

Q I mean, who did you take your orders from?

A The War Ministry had issued such orders to all the companies, various companies.

Q You knew, didn't you, that General Hayashi was under General Homma's command?

A Yes.

Q And that anything that he might do in the head of the military government was done in the name of General Homma?

A I understood it that way.

CAPTAIN CODER: Before this question is answered, I

would like to point out that this man is not a military man, and cannot draw conclusions.

GENERAL DONOVAN: We realize that.

What was the answer?

(Answer read.)

GENERAL DONOVAN: All right; he understood it that way.

Q (By Colonel Meek) Were any of your friends ever interned in Fort Santiago?

A (Through Interpreter Onodera) I don't remember whether it was during the time General Homma was the commanding general or later, but I had two friends in there.

Q You knew that Santiago, during the time that General Homma was here, was being operated under his command, did you not?

A Of course I knew.

Q Did you ever know a Judge Santos?

GENERAL DONOVAN: I would like to again state that if he gets mixed up in Philippine politics, I don't want the answer translated.

A (Through Interpreter Onodera) I met him two or three times before the war.

Q (By Colonel Meek) Did you hear what happened to him during the war?

A In December of 1942, when I went back temporarily to Tokyo for business reasons and visited General Homma at his private home, I heard about it for the first time.

Q You never read anything in the Manila newspapers about his execution?

A No, I have never read about it.

GENERAL DONOVAN: Let us go on from that one.

Q (By Colonel Meek) Did you ever know Dr. Young, the Chinese Consul General here in Manila?

A (Through Interpreter Onodera) No, I don't know him.

Q Now, when you visited Santo Tomas, or before you visited there, did you find out or did you know who was supplying the food and the medicine and the hospital facilities for the internees there?

A Do you mean from the Japanese side or from here?

Q Yes, I want to know who was supplying it, if he knows who was supplying the food.

A No, I don't know.

GENERAL DONOVAN: Major Skeen, you have one more witness this afternoon?

MAJOR SKEEN: I would like to get on one more this afternoon.

GENERAL DONOVAN: We will take a five minute recess, and we will complete the testimony of this witness on the stand and the additional witness this afternoon, after we convene.

(Short recess)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused and members of Defense counsel are present. The prosecution is present, and we are ready to proceed.

Will you read the last question and answer?

(Record read.)

Q (By Colonel Meek) You don't know, then, that the Japanese Government, or Japanese Army was not supplying the food and medicine at Santo Tomas?

A (Through Interpreter Onodera) I don't know.

Q As a citizen of Japan, business man of Japan, are you familiar at all with international law?

A The laws that I learned at school, I know, but the rest of it I don't know.

Q Do you believe it was the duty of the Japanese Army or the Japanese Government to furnish the food and the medicine for the internees at Santo Tomas?

CAPTAIN CODER: If it please the Commission, I object to that question. It is not pertinent to the issue here whether he believed that or not. This man is not on trial here.

GENERAL DONOVAN: The objection is not sustained. He may answer the question.

A (Through Interpreter Onodera) Do you mean to the internees inside Santo Tomas?

Q (By Colonel Meek) Yes, to the internees inside.

A Of course, I believe that the Japanese should supply those things.

Q You met General Homma for the first time in 1940 or '41. Where was it you met him?

A In Formosa.

Q What was the occasion of meeting him at that time?

A I don't remember whether it was a trip going to Japan from the Philippines, or coming back, but I was passing through Formosa, and I stopped at Taihoku, so I

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A Of course, I believe that the Japanese should supply those things.

Q You met General Homma for the first time in 1940 or '41. Where was it you met him?

A In Formosa.

Q What was the occasion of meeting him at that time?

A I don't remember whether it was a trip going to Japan from the Philippines, or coming back, but I was passing through Formosa, and I stopped at Taihoku, so I

went to pay my respects to the commanding general of the Formosa Army. There was no purpose, no special purpose.

Q Did you discuss with him at that time the resources of anything concerning the Philippine Islands?

A No, I did not mention anything like that. I talked to him about the products from my native prefectures, and things like that. It was purely social.

COLONEL MEEK: Nothing further.

GENERAL DONOVAN: Questions by the Commission?

GENERAL TRUDEAU: Yes, I have one.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) You stated that your company was able to maintain sufficient discipline among your employees so that they respected the customs to which the Filipinos were used, is that right?

A (Through Interpreter Onodera) Yes.

Q It has been testified here, and your opinion of General Homma seems to support it, that it was General Homma's policy that the situation in the Philippines should remain in status quo, that all religious and social customs would be observed and the Filipinos would be left as much as possible to the customs they are used to, is that right?

GENERAL DONOVAN: Let us get that question again.

GENERAL TRUDEAU: Is it too long?

GENERAL DONOVAN: No, I want to be sure I heard it.

(Question read.)

A (Through Interpreter Onodera) Yes, it is so. In fact, because my opinion and General Homma's opinion were

exactly the same, I came to respect and admire him more and more.

Q (By General Trudeau) In view of extended testimony here, plus your own admission of complaints by Filipinos of your acquaintance as to slappings that were not uncommon, I am forced to the conclusion that either General Homma did not have the power or exercised the control to carry out his policy, or that he was not sincere in his policy and condoned violations thereof. Which is correct?

CAPTAIN CODER: If it please the Commission, could that question be broken down a little? It is a little long, sir.

GENERAL TRUDEAU: I am not going to break it down much more. I asked him two points: One is as to policy and the other as to opinion.

GENERAL DONOVAN: Read that question back, please.

(Question read.)

CAPTAIN CODER: If it please the Commission, I believe that this calls for a conclusion which the witness is not qualified to give.

GENERAL DONOVAN: The witness may answer the question. If he can't answer the question, he may say so.

CAPTAIN CODER: Sir, there is one thing I would like to get straight in my own mind.

General, did you have three conclusions that he could draw, or just two?

GENERAL TRUDEAU: Just two.

CAPTAIN CODER: Well, as I understood the question, either he did not have the power --

GENERAL TRUDEAU: Yes.

CAPTAIN CODER: He did not enforce it, and --

GENERAL TRUDEAU: He did not have the power and enforce it; that is one conclusion. In other words, he didn't have the "oomph" to get it done, he didn't exercise control; or, secondly, he wasn't sincere in his policy, and therefore condoned violations to it.

CAPTAIN CODER: Sir, there is a third alternative: That he may not have had the power to enforce. You see what I mean, sir?

GENERAL DONOVAN: Let the witness answer the question as best he can. We will decide it.

A (Through Interpreter Onodera) I believe that General Homma is sincere in his desire to carry out his policy, and if there were any violations of policy it was done without his knowledge, and I have full confidence, and I know that General Homma is not the kind of a man that would have allowed it if he knew about it.

Q . (By General Gard) Did you tell Homma how the Filipinos felt about being slapped? Answer yes or no.

A No, I did not.

Q Why not?

A Whenever I met General Homma I only had limited time and I avoided speaking of the small matters and merely paid respects to him.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: Nothing.

REDIRECT EXAMINATION

Q (By Captain Coder) How many Japanese employees did you have in your company?

A Thirty-three.

Q Do you know what the reputation of the Kempei Tai here was among the Filipino people?

A They had a very small reputation among the Filipinos.

Q What was the reputation of the Kempei Tai among the Japanese civilians?

A It was also bad among the Japanese residents here.

Q Is the Kempei Tai considered by the Japanese to be a regular part of the Army?

COLONEL MEEK: Just a moment.

I object to that. This witness is purely a civilian, and they have plenty of military personnel to answer that question.

CAPTAIN CODER: Yes, sir; I brought that question --

GENERAL DONOVAN: All right, let the witness answer. It is just an opinion as a civilian. I don't see what it is -- it is purely an opinion of someone who wasn't in the

Army.

CAPTAIN CODER: He was here, sir, at that time.

GENERAL DONOVAN: He doesn't know anything about the military procedure.

A The residents here understood about the Kempei Tai that the Kempei Tai here was directly under the Kempei Tai Headquarters in Tokyo.

CAPTAIN CODER: Nothing further.

A (Continuing) And was an independent unit.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness may be excused.

(Witness excused.)

TOMAS UMAGAT

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (Captain Ott) Will you state your name, rank, and organization?

A Tomas Umagat, Staff Sergeant, Filipino Scouts.

Q How long have you been in the Filipino Scouts?

A I have been in the Filipino Scouts 27 years.

Q Were you captured by the Japanese Army on Bataan?

A I surrendered myself.

Q What date?

A It was on the 9th of April, 1942.

Q Where was that?

A It was at Mariveles.

Q Did you march from Mariveles, under guard, to Balanga?

A I marched under guard from Mariveles to Orion only. I was not under guard from Mariveles to Orion. And from Orion to Balanga, and there we were guarded by the Japanese.

Q Did you march from Balanga to San Fernando?

A Yes, sir.

Q How many were there in your group?

A In our group there were 100 men, sir.

Q What date did you march from Balanga to San Fernando?

A From Balanga to San Fernando is about the 16th of April, sir.

Q 16th of April?

A The 15th of April, I should say.

Q On this march did you see any dead bodies along the road?

A From Balanga to San Fernando I have not seen any dead bodies along that place.

Q Did you see any dead bodies out of Balanga?

A From Mariveles I have seen dead bodies out on the road.

Q At Mariveles?

A Yes.

Q What date was that?

A It was the 10th.

CAPTAIN OTT: That is all I have of this witness.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: No cross examination.

GENERAL DONOVAN: Examination by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

PEDRO S. LOPEZ

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Ott) Will you state your name, please?

A Pedro S. Lopez.

Q What is your address?

A I am living 2269 Honolulu, Manila.

Q Prior to the invasion of the Philippines by the Japanese Army did you hold any government position?

A Prior to the outbreak of the war I was the administrative officer of health and public welfare.

Q After the invasion did you hold any position?

A Yes, sir.

Q What was it?

A I was appointed as the assistant director of public health.

Q When was that appointment made?

A The appointment that was made was in February of 1942.

Q And how long did you continue in that position?

A I continued up to February of 1944, and then after that time I was relieved for three or four months, and then was again appointed and again continued in the service up to the first week of November, and I left the service.

GENERAL DONOVAN: What is his position?

CAPTAIN OTT: Assistant director of public welfare.

Q (By Captain Ott) What position do you hold now?

A I am acting as the administrative officer of public health and public welfare.

Q Do you know of any arrangement made by the public welfare with the Japanese Army for the taking care of sick prisoners of war?

A We were not the ones to make the arrangements directly with the Japanese Army. It was upon order of the Department of Education and Health and Public Welfare. We were used to take care of prisoners of war who were sick.

Q Did you take care of sick prisoners of war?

A Yes, sir.

Q Now, just how did you do that?

A Well, we organized convalescent homes in different sections of the City, and they were under the auspices of joint committees that we appointed in various districts in the City of Manila and the Bureau of Welfare.

Q Were there convalescent homes organized in other parts of the Philippines?

A Not that I know of, sir.

Q How many prisoners that were released by the Japanese Army were taken care of in convalescent homes?

A I think there were about a thousand of them that we took care of in the different convalescent homes.

Q Beginning about what time?

A That was, if I remember correctly, July of 1942, when we were asked to get the first bunch from the Bureau of Prisons where they were being confined at the time.

Q Beginning what time did you start taking care of released prisoners of war?

A If I remember correctly, as I said, it was in July of 1942.

Q Did the Bureau of Public Welfare have medicines to take care of these prisoners of war?

A Yes, sir, we had.

Q Did the Bureau of Public Welfare create a stock pile of medicines prior to the invasion or shortly after the invasion, before the Japanese arrived here in Manila?

A It was not exactly the Bureau of Public Welfare that had a stock of medicines prior to the Japanese invasion. The Commonwealth Government at the time established what we called then a Civil Emergency, a Civilian Emergency Registration, and our department was made to take charge of the preparations of all medicines and medical supplies that were needed for the treatment of civilian casualties.

Q Were these medicines used in taking care of the prisoners?

A Some of them were used in taking care of the prisoners.

Q Did the Japanese Army supply any medicine?

A If I remember correctly sometime in December of that year, 1942, they gave some medicines for distribution to different parts of the islands.

Q This stock pile that you spoke of, that had been accumulated by the Commonwealth Government, had it?

A Yes, sir.

Q Was that medicine concealed so that the Japanese couldn't find it?

A They were placed in various stock houses of the Bureau of Health and the hospitals, and as I said, some of those storerooms where the medicines were being kept were sealed by the Japanese. Others were not possible, because they

did not discover those storerooms.

Q Was there an effort made to keep these medicines from falling into the hands of the Japanese?

A Yes, sir.

CAPTAIN OTT: That is all I have of this witness.

GENERAL DONOVAN: Colonel Meek.

CROSS EXAMINATION

Q (By Colonel Meek) Do you have any record of how many of these prisoners that you took into your homes died?

A I don't believe we have any records of those, because most of those records were burned.

Q Can you give us an estimate of it?

A Even during the trip by means of these freight cars, railroad cars that we used in transporting the prisoners from Camp O'Donnell to the City of Manila, a number of them died on the way.

GENERAL DONOVAN: He doesn't know.

THE WITNESS: I cannot remember those figures.

Q (By Colonel Meek) You couldn't give me any estimate on the total number that died?

A I cannot give it to you, sir.

COLONEL MEEK: That is all.

GENERAL DONOVAN: Anything by the Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: The Commission will adjourn and meet at 8:30 tomorrow morning.

(Whereupon, at 1700 hours, 4 February 1946, the trial was adjourned until 0830 hours, 5 February 1946.)

(1847)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXVI

PAGES 3003 TO 3087

MANILA, P. I.

DATE 5 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

High Commissioner's Residence,
Manila, P. I.,
5 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Deno Mai (By the Commission)	3007 3021	3017		
Masaharu Homma	3029			

EXHIBITS

DEFENSE EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
E	3003	3006
F	3022	3023
G	3022	3023
H	3041	3046

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

LIEUTENANT PELZ: I request at this time that this document be marked for identification as Defense Exhibit E.

(Affidavit of Dr. Ignaz Handl was marked Defense Exhibit E for identification.)

LIEUTENANT PELZ: We marked another document as Exhibit D, but did not present it.

At this time I offer into evidence Exhibit E, the Affidavit of Dr. Ignaz Handl, who is now on his way to the States aboard ship.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: At this time the Prosecution calls to the attention of the Commission that the Accused himself, through his counsel, have perfected an appeal to the Supreme Court of the United States of America asking for a writ of prohibition and a writ of habeas corpus, and one of their main contentions being against the use of this very type of affidavit. Other than that I have no objection, and other than that I want to call the attention of the Commission to the third paragraph of Exhibit E, which shows that this affiant was and is a citizen of a country allied with the Japanese Imperial Government.

The Prosecution also objects to and asks for the exclusion of the last sentence of the statement, which is

purely a conclusion of the affiant and does not state for what offense the person therein named was court-martialled.

GENERAL DONOVAN: The exhibit will be accepted for whatever probative value the Commission desires to give it.

LIEUTENANT PELZ: May I read it at this time?

GENERAL DONOVAN: Yes.

LIEUTENANT PELZ (reading): "I, Dr. Ignaz Handl, United Seamen's Service Club, Manila, Philippine Islands, being first duly sworn upon oath depose and say:

"That on December 7, 1941, I was practicing medicine at Baguio, Philippine Islands. On December 27, 1941, Baguio was surrendered to the Japanese, and on or about December 30th, 1941, I was summoned before Japanese officers and advised that I was being appointed city medical officer. They instructed me to give medical attention and vaccination to Allied civilians interned by the Japanese in that city. I made daily visits to Brent School and Camp John Hay, where these persons were interned, and was permitted to use all medical supplies which were left in the city at the time of the surrender.

"Because I was an Austrian national, I was not interned until on or about January 3, 1942, when the Japanese took me into custody at Camp John Hay for being 'too friendly with the Americans.'

"I was interned at Camp John Hay from that date until about Easter, 1942, when all the internees, numbering about 450 men, women, and children, were transported to Camp Holmes, about 12 kilometers from Baguio. On this occasion, the Japanese transported the internees in trucks. There-

after, I was interned with this group at Camp Holmes until August, 1943, when I was released through the efforts of the Religious Section of the Japanese Foreign Office.

"While in internment, we were permitted to organize and do whatever we could to improve our conditions. Since we had about 10 physicians and a number of nurses, I was occupied only part of the time with my duties as dispensary doctor, and also served as camp librarian. We were very short of medical supplies, and it was difficult to appeal to the Philippine Red Cross since its leaders had fled to the mountains, and it was practically non-existent. Red Cross supplies were furnished once, in May, 1942, by a Filipino physician. We were expected to keep the camp area clean, and in order to improve it, we put in a sanitary system under the supervision of one of the internees who was an engineer.

"The officer in charge of the camp was one Captain Mukaibo, a Japanese Methodist theologian educated at Harvard University. He allowed internees to bring any complaints to him, and it was my experience that he made every effort to be humane.

"Men and women were quartered separately and were permitted to mingle on the tennis court once a week. Only husbands and wives were permitted to hold hands. On one occasion a young man was caught holding hands with or embracing one of the girls and he was severely beaten by the guard for this infraction of the rules. He suffered an injury to one ear as a result of this beating. This was the only instance of physical harm to an internee by

the Japanese that I saw during my internment.

"To the best of my knowledge and belief, the women internees were humanely treated, and were never molested by the Japanese guards.

"On one occasion, the internees were searched and deprived of virtually all their money by the command of the Camp Finance Officer, one Major Nagotomi. It was said that this money was to be used for food for the internees. To the best of my knowledge and belief Major Nagotomi was subsequently degraded to the rank of a private and imprisoned for one year at Fort Santiago as the result of a court-martial.

"Affiant further sayeth not.

"/s/ Ignaz Handl

"Sworn to and subscribed to before me this 2 day of February, 1946.

"/s/ Woodrow A. Yared

"2nd Lieutenant, MAC"

(Defense Exhibit E for identification was received in evidence.)

GENERAL TRUDEAU: Can you tell me why you did not have this witness appear here?

LIEUTENANT PELZ: Yes, sir, I can. We received his name from a witness that appeared here, and when the investigator got to him he was packed, ready to get on the ship that day, and he had to rush to even get this affidavit.

GENERAL TRUDEAU: Why didn't you rush to get him into court?

LIEUTENANT PELZ: They did not see me. This was

Saturday, I believe. They did not see me, and that is the reason why.

GENERAL DONOVAN: What else do you have?

LIEUTENANT PELZ: At this time we will call General Mai to the stand.

DENO MAI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Lieutenant Onodera, Staff Sergeant Ogita, and T/4 Baba:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Will you state your name?

A (Through Interpreter Onodera) Deno Mai.

Q Were you a member of the Japanese armed forces?

A Yes, sir.

Q Are you still in active service?

A No.

Q When did you retire?

A In 1940.

Q What was your rank when you retired?

A Lieutenant general.

Q In your 35 years -- when did you enter the Japanese Army?

A In 1905.

Q In your 35 years in the Japanese Army did you specialize in any particular phase of military operations?

A Mainly line of communications, the rear supply.

LIEUTENANT PELZ: If it please the Commission, at this time I would suggest that the word "hei tan" as used

by the Japanese is the same as "logistics," as used in our Army. I think it is a better translation than the line of communications service, which seems to be what we have had in this court. I think the translation of logistics is more comprehensible to the Commission.

GENERAL DONOVAN: We will be perfectly willing to use either one that you want. We understand both of them. Use logistics.

Q (By Lieutenant Pelz) Did you teach logistics?

A Yes.

Q Where?

A The War College, and also at the Army Intendance School.

Q Did you serve as a staff officer doing logistics work?

A I was always a staff member engaged in logistics work.

Q Will you give an outline, a very brief description of the system of logistics employed by the Japanese Imperial Army?

GENERAL DONOVAN: What phase?

LIEUTENANT PELZ: I want a general outline of the entire supply system. I think this will be brief.

GENERAL TRUDEAU: Can't you block that out? What do you want, the supply within a division, within an army, as between the Imperial General Staff and the Southern Supreme Command, or the Southern Supreme Command and the 14th Army?

LIEUTENANT PELZ: This officer does not know anything about the 14th Army.

GENERAL DONOVAN: General Trudeau, just one second.

What are you driving at to start off with?

LIEUTENANT PELZ: General Mai is an expert on the logistical system of the Japanese Army, and I am trying to show --

GENERAL DONOVAN: From where to where? What logistical setup? There are any number of ramifications connected with that situation. Do you know the answers he is going to give?

LIEUTENANT PELZ: No, sir. If I add "particularly concerning the supply of armies in the field" -- ?

GENERAL DONOVAN: Let it go at that.

LIEUTENANT PELZ: Will you add that, "particularly concerning armies in the field"?

A (Through Interpreter Onodera) In the logistical problems of the Japanese Army, because Japan lacked ample resources and could not supply adequately, Japan had to endure the shortages.

Secondly, in the ocean transportation, because it has to travel a long way, and because there were not enough ships, and furthermore, out of those few ships that Japan had, so many of them were subjected to submarine and air raids and were put out of commission, only a very small number actually arrived to the theater of operations, and we always had to consider these points.

COLONEL MEEK: May I inquire what period of time this witness is covering now?

LIEUTENANT PELZ: I did not intend to have the witness cover any period of time actually, sir.

COLONEL MEEK: You restricted him to 1940. I would like to know if he is talking about 1940, 1942, '43, or

what he is talking about.

GENERAL DONOVAN: Ask him the question.

COLONEL MEEK: That is quite important, that particular answer. Let's tie it to a certain time.

GENERAL DONOVAN: Let's find out, Lieutenant Pelz.

LIEUTENANT PELZ: Confine your answer as much as possible to the period of the war prior to August of 1942.

COLONEL MEEK: No, sir. This witness retired in 1940. You have confined him in your original statement to the period of 1940. To have a retired general come in here and testify haphazardly to things that have occurred after his retirement strikes me as being away beyond the realms of reason.

LIEUTENANT PELZ: I do not intend to have him testify as to any particular period, but the system employed.

COLONEL MEEK: He knows about the logistics up to when he retired, but not after that.

GENERAL DONOVAN: Have the witness proceed.

THE WITNESS (through Interpreter Onodera): Although the Japanese Army has many personnel, the resources is quite small and the equipment and supply for this army, which is organized of men, were not adequate. In fact, Japan has only barely enough to supply the armed forces itself, alone. Therefore, whenever some other obstacles arise the Japanese Army must endure this shortage the best it can.

COLONEL MEEK: If the Commission please, I ask that all of the recent testimony of the witness be stricken as not being responsive. It is not responsive to the original

question.

GENERAL DONOVAN: The witness may answer, Colonel Meek.

COLONEL MEEK: May I state my objection?

GENERAL DONOVAN: You have stated your objection once. I stated the witness can answer. When we get ready to stop him, we will.

THE WITNESS (through Interpreter Onodera): In the field, that is, the theater of operations, the resources of the field must be exploited. When this is not possible and the ship gets into trouble and the supply does not come through there have been many times when the Japanese Army has had to suffer because of the situation.

GENERAL DONOVAN: Just a minute. We have all of this that we want. We have all the resource business that we want. I think we understand that up here on the Commission, just what Japan is or was up against. Let's get on to the specific question that he is going to testify to.

Q (By Lieutenant Pelz) What can you state as to the general policy as to regards of supply of rear areas and combat areas in the field?

GENERAL DONOVAN: You will have to explain that a little bit.

LIEUTENANT PELZ: In other words, my understanding is there is a divergence of plan between the plan for the supply of the rear area of an army in the field and for the combat area.

GENERAL DONOVAN: What are you driving at? Do you mean there is any question of doubt as to who gets any of

these supplies, as to whether the combat troops would get it, or the rear area would get it? What do you mean, so we will know what the question is, the policy?

LIEUTENANT PELZ: In other words, where there is a shortage, what happens to the rear areas?

GENERAL DONOVAN: All right. Will he understand your question?

LIEUTENANT PELZ: He did when I asked him before.

GENERAL DONOVAN: All right, let's get the answer. The question really comes down to this: If there is a question of allotment of supplies to the rear area or to the forward area, if there is such a thing as a shortage, which particular area would get it? Is that what you are driving at?

LIEUTENANT PELZ: Yes, sir.

GENERAL DONOVAN: He can answer that specific question. Is that the question you want to ask?

LIEUTENANT PELZ: I would rather ask this general question.

THE WITNESS (through Interpreter Onodera): It is very difficult to understand the question.

GENERAL DONOVAN: Read the question.

(Question read.)

Q (By Lieutenant Pelz) Is there any difference in the plans with regard to rear areas and combat areas?

GENERAL DONOVAN: You are speaking about the supply plan now?

LIEUTENANT PELZ: Yes, sir.

THE WITNESS (through Interpreter Onodera): I can't

understand the meaning of the question clearly, but in the front line we try to supply the troops as much as possible by buying material on the field, whereas in the rear line we try to send supplies systematically as planned and as prepared.

GENERAL DONOVAN: Let me ask a question when you get through there.

THE WITNESS (through Interpreter Onodera): In the front line, although we do try to send things as planned and as systematically as possible, but sometimes it is necessary to send a great deal of material at one time, and at other times we are not able to send any. In other words, we must employ a flexible policy.

GENERAL DONOVAN: In the allocation of supplies, which have priority, front line elements or rear area elements?

THE WITNESS (through Interpreter Onodera): Front lines.

Q (By Lieutenant Pelz) How long have you known General Homma?

GENERAL DONOVAN: The answer was the front line elements, which is just like the American Army, is that right?

LIEUTENANT PELZ: Yes.

GENERAL DONOVAN: Now read the last question.

(Question read.)

THE WITNESS (through Interpreter Onodera): Since 1905.

Q (By Lieutenant Pelz) Have you been associated with

him at various times since then?

A Yes, continuously.

Q Prior to 1941, did you learn General Homma's opinions concerning the prospects for world peace?

A Yes.

Q How did you learn this?

A When General Homma was the commanding general of the Formosa Army I received letters from him several times, and there was one thing that he always asserted in those letters: "Japan is now in the midst of a Chinese incident, and to the north of Japan Soviet stands" --

GENERAL DONOVAN: We do not want a lot of background. What was the question?

LIEUTENANT PELZ: This is General Homma's letter to him.

GENERAL DONOVAN: What was the question to start off with?

LIEUTENANT PELZ: Prior to 1941 what was General Homma's opinion concerning the prospects for world peace?

GENERAL DONOVAN: Didn't you ask after that, "How did you learn this?

LIEUTENANT PELZ: Yes, sir. He said he learned this from letters of General Homma from Formosa.

GENERAL DONOVAN: All right, go ahead. These are letters he received from General Homma?

LIEUTENANT PELZ: Yes.

THE WITNESS (through Lieutenant Onodera): "On the other hand, the relationship between Japan and Anglo-America is not too friendly. In order to solve this dilemma or

ticklish situation some means other than war must be employed. There was no other means than to speedily solve the China incident by means and conditions most satisfactory to Britain and the United States and thus bring about peace."

Q (By Lieutenant Pelz) What do you know concerning the relations between General Homma and General Tojo?

A In the first place, their nature or character was basically different, and two, their ideas and ideologies were totally different; therefore, General Homma was always disliked by General Tojo.

In the comparison of their characters, General Homma is a man imbued with high sense -- a strong sense of justice. He is a gentle and warm-hearted person, and a man of high character. In contrast to this, Tojo was of very severe nature -- is of very severe nature, who tries to push through things recklessly.

In the ideological side, General Homma was pro-English. He was a man who believed in peace and is a moderate, he had moderate views in politics and other things. Tojo, on the other hand, is very pro-German and believed in power and authority, and who is an extremist, believing in radical and -- (pause)

LIEUTENANT PELZ: I think we can waive that word, sir, if we can get on.

INTERPRETER ONODERA: It means to push right on through.

GENERAL DONOVAN: That is all right. We can take that.

GENERAL GARD: "Forcible."

INTERPRETER ONODERA: Or "forcible."

GENERAL GARD: I would like to have the question read to which this purports to be an answer.

(Question read.)

Q (By Lieutenant Pelz) Can you give a specific instance of the clash between General Homma and General Tojo?

A (Through Interpreter Onodera) In 1932, when the Anti-Comintern Pact was signed by three countries, Japan, Germany and Italy -- there was a conference to decide whether to admit Manchukuo as a signator of the pact or not. General Homma and General Tojo both were then colonels, and General Homma was of the opinion that it was too early to enter Manchukuo in this, and General Tojo opposed. At that time, Tojo stood up and pounded on his table and said to Homma, "What is the matter with you? Are you so afraid of England?"

It was because General Homma was always considered a pro-English, and a man who believed in peace.

LIEUTENANT PELZ: Nothing further, sir.

COLONEL MEEK: Nothing further?

LIEUTENANT PELZ: Nothing further, sir, with this witness.

CROSS EXAMINATION

Q (By Colonel Meek) What date in 1940 did you retire?

A (Through Interpreter Onodera) 30th of October.

Q Since your retirement, have you ever had any active duty with the Japanese Army?

A No.

Q You say that you have known General Homma for many years?

A Yes.

Q You were acquainted with him in 1939 when he was in

Tientsin, China?

A I knew that he was there.

Q You knew that he commanded the 27th Division?

A Yes.

Q Do you recall any --

LIEUTENANT PELZ: At this time, if the Commission please, I object to anything that took place at this period. In the first place this witness already testified he wasn't there.

GENERAL DONOVAN: What is the question?

COLONEL MEEK: I am inquiring now as to the command of General Homma in the summer of 1939 in Tientsin, which this witness says he knew about, and I am trying to find out if he knows about that, and, if he does, if he has considered that in his basis for his opinion of General Homma.

GENERAL DONOVAN: The witness may answer the question.

COLONEL MEEK: Will you read the question, please?

(Record read.)

Q (By Colonel Meek) Do you recall any incident when he was in command of that garrison -- and I am now talking of the Hangkow campaign -- in which, under General Homma's command, there was a segregation of the English and French concession in Tientsin about June and July of 1939?

INTERPRETER ONODERA: Will you read that question, please?

(Question read.)

A (Through Interpreter Onodera) I heard about the in-

cident, but I don't know what it was all about.

Q (By Colonel Meek) In addition to that, under General Homma's command there was the blockade of the British municipal area?

LIEUTENANT PELZ: If it please the Commission, I don't know --

GENERAL DONOVAN: Just a minute. Just let Colonel Meek ask the question.

LIEUTENANT PELZ: I thought he had finished the question.

COLONEL MEEK: I have asked a question now.

GENERAL DONOVAN: Did you finish the question?

COLONEL MEEK: I have asked another question.

LIEUTENANT PELZ: I don't know much about this incident, but if we are going to go into other incidents, I am afraid we will be on trial here a much longer time than we had contemplated.

GENERAL DONOVAN: No, you won't, either; don't bother about that.

He may answer this question.

(Question read.)

A (Through Interpreter Onodera) I know about the fact that there was a blockade, but I don't know how it was done or what method was used to accomplish this.

Q (By Colonel Meek) Did you ever hear, as an incident of those matters, of the stripping and other indignities inflicted upon Britons?

LIEUTENANT PELZ: If it please the Commission, this is Colonel Meek testifying and trying to ask questions

when the witness has already indicated he doesn't know anything about it.

GENERAL DONOVAN: The objection is sustained.

Q (By Colonel Meek) Do you know whether Homma was ever recalled to active duty in 1944?

A (Through Interpreter Onodera) Yes, I know.

Q Was he?

A I don't think so. I don't know; I don't think so.

Q Was he ever in command of the Osaka Garrison in 1944?

A No.

INTERPRETER ONODERA: If it please the Commission, the word "garrison" -- I just used it as a garrison force, but if he should happen to be in command of something else, not a garrison force, but a --

GENERAL DONOVAN: That is all right. Let it stand like it is.

Q (By Colonel Meek) How do you explain Tojo entrusting the Philippine invasion to General Homma?

A (Through Interpreter Onodera) General Homma was disliked by General Tojo. I think the reason that General Homma was made the commanding general of the Philippine invasion forces was -- of course, this is my personal idea -- that because he was a Formosan army commander at the time, and Tojo was reluctant -- I mean, Tojo did not want to show his obvious dislike of him to the public, and I think he reluctantly appointed General Homma as the commanding general.

COLONEL MEEK: No further cross examination.

LIEUTENANT PELZ: No redirect.

EXAMINATION BY THE COMMISSION

Q (By General McNaught) When you were instructor at the War College, did you have plans for the invasion of the Philippines?

A (Through Interpreter Onodera) No.

Q (By General Gard) Were you ever on duty with the Japanese Forces in the Kwantung Peninsula before 1931 and 1937?

A No.

Q Do you know whether General Homma ever served during those periods in the Kwantung Forces?

A Kwantung Peninsula, you said?

Q Yes.

A Where do you mean?

GENERAL DONOVAN: The same place.

GENERAL GARD: The same area.

A (Through Interpreter Onodera) As far as I can remember, no.

GENERAL TRUDEAU: One question:

Q (By General Trudeau) If you were able to import untold quantities of steel and munitions from all over the world before the war, to wage war, why were you not able to bring in atabrine and quinine, quinine particularly, in order to take care of your people, your own men and any prisoners of war you might capture?

INTERPRETER ONODERA: By "you" --

GENERAL TRUDEAU: Japan.

A (Through Interpreter Onodera) I think because of the economic blockade which Java placed and stopped trading with us.

GENERAL DONOVAN: Anything further?

Colonel Meek?

COLONEL MEEK: Nothing further.

LIEUTENANT PELZ: Nothing, sir.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

(Two affidavits were marked Defense Exhibits F and G for identification.)

MAJOR SKEEN: At this time the Defense offers in evidence two affidavits: One of Mr. Jose P. Laurel, and the second, Mr. Benigno S. Aquino, marked for identification as Defense Exhibits F and G.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: These were handed to me about ten minutes of 9:00, and I personally had no chance to read them. However, my staff have read them, and they say we have no objection to them. I have not read them myself and have not had an opportunity.

GENERAL DONOVAN: Well, what do you want to do about them? Do you want to object to them or not?

COLONEL MEEK: I would like to take a five-minute recess, if I may, because they were given to me after --

GENERAL DONOVAN: We will take a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

GENERAL DONOVAN: I believe there is a question on the exhibits of the Defense. Any objection?

COLONEL MEEK: At this time we have no objection.

GENERAL DONOVAN: What are the exhibit numbers?

MAJOR SKEEN: I found out in the recess that they should be F and G.

COLONEL MEEK: Which is F?

MAJOR SKEEN: Mr. Laurel's statement. I would like to read these statements to the Commission.

GENERAL DONOVAN: The two exhibits are accepted.

(Defense Exhibits F and G for identification were received in evidence.)

MAJOR SKEEN: (Reading:) "Jose P. Laurel, Filipino Civilian, after having been duly sworn at Sugamo Prison, hereby deposes and says that the statement following hereunder is the truth to the best of his knowledge.

"That I have known Salvador Abad Santos almost since childhood. That on or about May 1942, when the Japanese Army entered Cebu, Philippine Islands, it was published in the Manila newspapers that Jose Abad Santos, Chief Justice of the Philippine Supreme Court, had been captured by the Japanese. Jose Abad Santos having been an intimate friend of mine and also an associate of mine in the public service, I was deeply concerned with his welfare, and decided to do my best in his behalf. Almost immed-

iately thereafter, Salvador Abad Santos, brother of the late Jose Abad Santos, visited me and requested that I intercede on behalf of his brother, Jose Abad Santos.

"Approximately one or two weeks after the publication of the capture of Jose Abad Santos, I was invited by General Homma to attend a party at the Manila Hotel. I thought this would be an excellent opportunity to approach General Homma to intercede for Jose Abad Santos. I took advantage of that opportunity to see and speak to General Homma, because it was otherwise very difficult to obtain an interview with the Japanese Commander-in-Chief. When I spoke to General Homma in reference to Jose Abad Santos, I could not state whether he was hostile or sympathetic. However, General Homma did not say that the Japanese were bitter against Jose Abad Santos. General Homma showed interest to my plea on behalf of Santos. He referred me to General Hayashi. He also stated that he would investigate the matter. At the same time I took this opportunity to also intercede on behalf of General Roxas, who was also a prisoner of the Japanese at Mindanao, P. I.

"A few days later Mr. Benigno Aquino and I visited General Hayashi. After we had pleaded on behalf of General Roxas and Mr. Santos, General Hayashi said he would send a special representative to the south to investigate into the matter. In approximately a week or ten days, Mr. Aquino and I returned to General Hayashi to further inquire as to what could be done to aid General Roxas and Mr. Santos. At that time General Hayashi stated

that it was already too late to do anything, in that both General Roxas and Mr. Santos had been executed. After having been given this information by Hayashi, I felt that it would be useless to take up the matter with General Homma again.

"Almost immediately thereafter, I looked for Salvador Abad Santos and his brother, Quirino, and also General Roxas' brother, Mamerto Roxas, in order to inform them of the results of my interview with Hayashi. They were reluctant to believe this information.

"I do not remember having told Salvador Abad Santos that General Homma had signed the death warrant for Jose Abad Santos. I do not know whether General Homma had authorized the execution or signed the death warrant, but it was possible that I might have expressed to Mr. Salvador Abad Santos my own conclusion to that effect after the conference with General Hayashi. It was not General Homma who told me that Jose Abad Santos and General Roxas had been executed. This information was given to me by General Hayashi.

"/s/ Jose Laurel."

"Benigno S. Aquino, Filipino Civilian, after having been duly sworn at Sugamo Prison, hereby deposes and says that the statement following hereunder is the truth to the best of his knowledge.

"That I have known Jose Abad Santos since our childhood. He is a distant relative of mine.

"That on or about May 1942, I remember reading in the Manila newspapers about the capture of Jose Abad

Santos in Cebu. Salvador Abad Santos did not speak to me in reference to an intercession on behalf of his brother Jose Abad Santos. A few days after I read about the capture of Jose Abad Santos, the members of the Executive Commission under the Japanese were invited to attend a luncheon at the Manila Hotel. Each member of the Commission was worried and interested in the fate of Jose Abad Santos. I met Mr. Laurel at this luncheon, and during our conversation, I learned that he had already spoken to General Homma about Mr. Santos. I had also intended speaking to the military authorities in order to intercede on behalf of Mr. Santos. When Mr. Laurel told me that General Homma had advised him to approach General Hayashi in regard to the matter, we decided to speak to General Hayashi together, and appeal for Mr. Santos. We had an interview with General Hayashi after the luncheon, and the General said that at that time he could do nothing, but that he would send an investigator to report on the matter. A few days later, Mr. Laurel and I returned to General Hayashi and were told that nothing more could be done, since Mr. Santos had already been executed.

"I transmitted this information to the members of the Executive Commission; but I still could not believe that Jose Abad Santos had been executed. I had also received private information that Mr. Santos was still alive in Cebu. Therefore, I returned to General Hayashi about a week later, told him I had information that Mr. Santos was still alive in Cebu, and requested transportation to Cebu in order to definitely ascertain that Mr.

Santos was dead. General Hayashi told me that a Japanese Officer was due to arrive from Cebu that day, who would be able to give me full information as to the fate of Jose Abad Santos. The next day I received a telephone call from General Hayashi's office telling me that Lieutenant Colonel Kawakami had arrived and was staying at the Manila Hotel. I was informed that Kawakami would be able to give me full information about Mr. Santos.

"The following day I went to the Manila Hotel to see Lieutenant Colonel Kawakami. I was accompanied by Mr. Rafael R. Alunan, then Secretary of Agriculture and Commerce. After luncheon with Kawakami, he told us that Mr. Santos was already dead; that he tried to withhold the execution of Mr. Santos, in the hope that Mr. Santos would cooperate with the Japanese; that Mr. Jose Abad Santos said he could not give any promise of cooperation unless he first conferred with Mr. Quezon or Mr. Vargas. Then Kawakami stated that 'because Mr. Santos said he could not cooperate until he had conferred with Mr. Quezon or Mr. Vargas, I saw he tried to deceive me and that he is a bad man. Therefore I ordered that the writ of execution be carried out.'

"Since it was very difficult to believe that Chief Justice Jose Abad Santos had been executed, both Mr. Alunan and I asked Lieutenant Colonel Kawakami, 'Do you mean to say, Colonel, that Chief Justice Santos has already been executed?' He said, 'Yes.' Lieutenant Colonel Kawakami was the Director-General of the Military Administration in Cebu at that time.

"/s/ Benigno S. Aquino."

MAJOR SKEEN: Defense calls --

COLONEL MEEK: Just a moment, if I may. I want at this time to call the attention, particular attention to one sentence in this statement.

GENERAL DONOVAN: Which statement.

COLONEL MEEK: I refer to the statement of Lieutenant Colonel Kawakami where he stated, "Because Mr. Santos said he could not cooperate until he had conferred with Mr. Quezon or Mr. Vargas, I saw he tried to deceive me and that he is a bad man." I call particular attention to the next sentence, "Therefore I ordered that the writ of execution be carried out." I refer particularly to the "writ of execution."

MAJOR SKEEN: At this time the Defense calls Masaharu Homma.

COLONEL MEEK: May I inquire of the Commission whether the Accused has been advised of his right of being sworn or not at this time?

GENERAL DONOVAN: Does the Accused understand his rights in regard to testifying and taking the stand?

MAJOR SKEEN: The rights of the Accused have been explained and he desires to take the stand in his own defense and desires to give his testimony under oath.

MASAHARU HOMMA

the Accused, called as a witness in his own behalf, being first duly sworn, was examined and testified as follows:

GENERAL DONOVAN: Will the Accused testify in English?

MAJOR SKEEN: The Accused will testify in English.

DIRECT EXAMINATION

Q (By Major Skeen) Will you state your name?

A Masaharu Homma.

Q Are you the Accused in this case?

A Yes, I am.

Q Were you formerly a Lieutenant General in the Imperial Japanese Army?

A Yes, I was.

Q How long did you serve in the Japanese Army?

A I was with the Japanese Army about 38 years.

Q Will you outline your educational background prior to the commencement of your army career?

A I was born in 1888 on a small island called Sado Island in the Japan Sea. I was educated in a primary school and middle school up to the age of 17. In the last stage of my middle school we were in war with Russia. That decided me for a military career. I entered Military Academy and graduated in 1907, and then I was a first lieutenant. I entered Staff College and graduated from a three-year course in 1916. From Military Academy and Staff College I graduated with the highest honors and was given a prize by the Emperor.

Q Will you briefly outline your military career?

A At the age of 19 I found myself attached to the 16th Regiment of infantry as a second lieutenant, and I stayed there with the regiment for four years. Then I went to Staff College. After Staff College I was attached to the General Staff; I was a first lieutenant. Then in 1918 I was promoted to captain. Then I was sent

to England to study for three years. Got there during the first World War. I went to England through the United States with a convoy of American troops and I arrived in London.

While I was in England I was attached to the British Expeditionary Forces in France, and then when I went to Germany I was attached to the British Army of Occupation there. Then in 1920 I came back to England to be attached to the Aldershot Regiment.

In 1921 I came back to Japan to be an instructor of the Staff College as a captain. The next year, in 1922, I was made a major, then appointed to a position of Japanese Resident Officer in India, and I was attached to the General Staff, Indian Army, and stayed there three years.

I came back from India by Bagdad, Jerusalem, Beirut and Alexandria, and was attached to the General Staff. The next year I was promoted to lieutenant colonel.

In 1927, early 1927, His Imperial Highness, Prince Chichibu, next brother to the Emperor, came back from England, and I was made personal aide-de-camp to His Highness for nearly four years.

In 1930 I was promoted to full colonel and appointed Military Attache to the British Army in London. While I was in London the Geneva Disarmament Conference was held in Geneva, Switzerland. I was appointed as a member of that commission, Japanese commission. I was called back in 1932 to become chief of the press section in the army, and I was in that position less than one year.

In August 1933 I was appointed the commander of the First Regiment of Infantry in Tokyo; that is, I was away from the regiment nearly 20 years; and I stayed at that post for two years -- I stayed at the post of commander of the regiment of infantry for two years.

In 1935 I was promoted to major general and given the post as commander of the 32nd Brigade of Infantry in Wakayama.

Then, in 1937, the Imperial Highness, Prince Chichibu, was sent to England by His Majesty, the Emperor, to attend the coronation of His Royal Majesty, the King of England. I was appointed to his suite.

I went to England through Canada and the United States. After the coronation I left the Prince and Princess in London and traveled through Europe and came back to Tokyo in July of the same year. Then I was appointed the Chief of the Second Bureau of the General Staff and stayed there for one year. The next year I was promoted lieutenant general and got an appointment as commander of the 27th Division in China.

In 1940 I was appointed Commander-in-Chief of the forces in Formosa. Stayed there up to the outbreak of the war. Then I was appointed the Commander-in-Chief of the 14th Army and came to the Philippines, and I was removed from my command in August of 1942 and retired from the service.

Q During the course of your military career did your policies and ideas ever seriously differ from those of the majority of the officers in the Army?

A Yes, I should say so. My ideas were in variance with the prevailing ideas in the Army, throughout the Japanese Army. As I said, from Korea I was sent to England, and more than eight years association with the British people gave me a broad outlook on life.

GENERAL DONOVAN: May we have that answer?

(Answer read.)

THE WITNESS: Very roughly speaking, there are two groups of officers in the Japanese Army. It became conspicuous since the beginning of the China affair. One was the pro-German group, the pro-German school of officers, and the other was the pro-British force, or pro-British group, forcing the more liberal ideas, and that was in the great minority. I was considered as the head of the latter group, as I was a senior officer of that group.

Q (By Major Skeen) Now, when did this difference of opinion between your policies and those of the majority of the Japanese officers first become generally known?

A Generally those who learned English, especially who had training either in England or the United States, are considered in the latter group.

Q Were all officers in policy-making positions in the Japanese Army considered to be proponents of one or the other of these groups?

A Most of them were, and nearly all of them were antagonistic towards the liberal groups since the beginning of the China affair.

GENERAL DONOVAN: Will you read that, please?

(Answer read.)

Q (By Major Skeen) Did this divergence of opinion have any effect on your military career?

A I think it may be that my career was affected a great deal. For instance, the time that the China War started, those officers who came back either from England or the

United States were not given the important posts in the War Office or in the General Staff. As far as I am concerned, I can give you one or two instances of what I mean.

While I was in China General Matsui and other senior officers recommended me to the Chief of the General Staff to be the Deputy Chief of the General Staff when the vacancy occurred. I learned from General Matsui later that the recommendation was flatly refused; the reason given was that I am too liberal-minded. I have no doubt that my difference of opinion or difference in ideas was a basic reason for my removal of the command in the Philippines and for my early retirement.

Q Can you explain why you were sent to Formosa?

A The turn came to me to be the Commander-in-Chief, but I was assigned to the post which was held by a retired general. Although I was to be a Commander-in-Chief, the troops which were given to me were less than a division.

Q During the time that General Tojo was Minister of War were there any liberal-minded officers who remained on the General Staff or in the War Department?

A Nearly all of them were kicked out.

Q To what party in the Army did General Tojo belong?

A He, himself, and his father, were trained in Germany, and he is the head of the pro-German group.

Q What has been your personal relationship with General Tojo?

A He was two years senior to me in the Military Academy, but I was with him at the staff college for three years. I know his character and personality and I realized his

character is entirely different from mine and his dogmatic ideas were strongly objectionable to me.

I went to England and he went to Germany. I never worked in the War Office or on the General Staff with him. I never had a job in the same place. When I was in China General Muto, then Director General of Military Affairs, who was at the War Department, sounded me for my opinion about Tojo as the possible and next Minister of War. I told General Muto if he was chosen as a Minister of War he may lead the Army to anywhere, and I strongly objected to the proposition and, of course, this was known to him. I think his dislike for me increased ever since.

When I was the Chief of the Second Bureau in the General Staff he became the Vice-Minister of War. One time I had an argument at the residence of the Minister of War about the inclusion of Manchukuo in the Anti-Comintern Pact. On that occasion he abused me in the presence of many other generals of being pro-British.

GENERAL DONOVAN: We will have a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

Q (By Major Skeen) In what year did this argument that you had with General Tojo occur?

A In 1938.

Q When were you removed from any policy-making position in the Imperial General Staff?

A I was to stay even after I got a promotion to lieutenant general, but a few months after, General Tojo became the Vice-Minister of War and I was removed from the post in Tokyo.

COLONEL MEEK: Will you read the answer?

(Answer read.)

GENERAL DONOVAN: When was that?

Q (By Major Skeen) What year was that?

A 1938.

Q When did you first assume command of the 14th Army?

A In November, 1941.

Q What units comprised this Army at the time of your assumption of command?

A The main units were the 48th Division and the 16th Division.

Q Now, I will show you Defense Exhibit B and ask you if this chart indicates the correct dates of arrival and dates of departure of units of your command during your campaign in the Philippines?

A Yes.

Q Did you choose your own staff officers for the 14th Army?

A Did I?

Q Did you choose your own staff officers?

A No, I did not choose my staff officers. I was almost the last who was chosen.

Q From where did the orders come regarding appointments of staff officers in the Japanese Army?

A From the Imperial GHQ.

Q Could you remove any staff officers or senior commanders on your own authority?

A No, I cannot.

Q What was the procedure pertaining to removal of an undesirable officer?

A For the removal, I sent in my opinion to the Imperial General Headquarters, and decision is in the hands of GHQ.

Q Will you explain the reason for this system?

A Pardon?

Q Will you explain the reason for this system of removing an officer?

A It is a complicated matter to explain, but I will try my best.

Q Will you do that?

A All appointments of officers were gazetted in Tokyo, and I should say there are two kinds: Commander of the units, or staff officers, and adjutants; those are gazetted to a fixed post. Those officers I cannot remove without approval of the Imperial Headquarters.

The second group, who is gazetted as attached to a certain headquarters or to a certain unit, they can be removed within a limited circle by the Commander-in-Chief or the commander of the unit.

Q Now, what do you mean when you say "gazetted"?

A Appointment of the officers, Army and Navy, and other civilian officers, are gazetted in the paper. That is what I mean, gazetted in the sort of -- (pause)

GENERAL DONOVAN: We understand, here on the Commission.

MAJOR SKEEN: Very well, sir.

GENERAL DONOVAN: Unless you want to press it.

MAJOR SKEEN: I think I would like to ask one more question on that.

GENERAL DONOVAN: You can go ahead and ask any questions you wish. There will be no stopping.

Q (By Major Skeen) This gazette, did that connect the officers listed there with a given job?

A Yes. Staff officers who were commanders of units above company, battery commanders, or given a fixed post.

Q Could you remove a company commander?

A If you mean remove from out of the unit, I cannot do.

Q I mean, can you remove him from the post of company commander?

A No, I cannot do it.

Q What groups of officers could be appointed to positions by yourself?

A Those officers who were gazetted as attached to my headquarters, I can appoint them to any post I like, and I can remove them at my will.

Q Were there many of such officers who were simply attached to your Army?

A There are quite a number.

Q What kind of jobs were these officers assigned?

A As an example, press section or propaganda corps, religious section, or a post in the military administration.

Q Will you explain the theory of staff procedures as applied to the Japanese Army?

GENERAL DONOVAN: Major Skeen, before you go any further about this "gazetted," "listed," or "earmarked,"

would be a proper interpretation?

MAJOR SKEEN: My understanding of it is that it is a publication in which the names appear, and with the names appears the job that that man must hold.

GENERAL DONOVAN: Listed or earmarked for a particular job in a paper or book, or whatever they put out up there.

Read the last question back, please.

(Question read.)

A In the Japanese Army, a Commander-in-Chief refrains himself from interfering with the work of the staff officers as much as possible, and always he tries to encourage the initiative on the part of his staff officers. If the Commander-in-Chief interferes with the work of his staff officers, it kills the initiative and enthusiasm on the part of his staff officers. That is Japanese temperament. So it may appear to some that a Commander-in-Chief is a mere figurehead, trusting so many matters to his staff officers.

COLONEL MEEK: May I have that answer read?

GENERAL DONOVAN: Read the entire answer, and the question.

(Question and answer read.)

Q (By Major Skeen) Is a Commander-in-Chief informed of all matters that occurred with regard to his Army?

THE WITNESS: Pardon?

(Question read.)

A No; only the Commander-in-Chief is informed of important matters, and he was not troubled with details, usually.

Q (By Major Skeen) Are you familiar with the functions of the Inspector General's Department of the American Army?

A I can't say that I am familiar, but I know -- I have the general idea about the Inspector General's Department of the United States Army.

Q Will you explain briefly your ideas as to those duties?

A In the U. S. Army?

Q In the American Army.

A What I understand is that the functions of the Inspector General's Department in the United States Army are to send officers to inspect whether the rules and regulations were being strictly observed by the subordinate units.

Q Now, is there such a department in the Japanese Army?

A We have no such organization as you have in the United States Army.

Q Is there any department in the Japanese Army which has those functions?

(Question read.)

A No, we have not those organizations at all.

Q (By Major Skeen) After the activation of the 14th Army, when did you receive orders for the invasion of the Philippines?

A Where, or when?

Q When?

A I was called up to Tokyo in the middle of November, and I was given instructions -- 1941.

Q Do you remember the approximate date?

A Officer appointment was on the 15th of November, 1941, but I think I got -- I received the order two or three days previously, that is, on the 12th or 13th of November.

Q After assuming command of the 14th Army, did you take any measures to see that your troops were instructed in the proper treatment of civilians and prisoners of war?

A I gave instructions with regard to civilians, and regulation was made for the treatment of prisoners of war.

GENERAL DONOVAN: I would like to get that answer. Will you read the question and the answer?

(Question and answer read.)

(A document entitled "Regulations for the Handling of Prisoners of War" was marked Defense Exhibit H for identification.)

Q (By Major Skeen) I show you a document entitled "Regulations for the Handling of Prisoners of War," marked Defense Exhibit H for identification. Will you tell the Commission what that is?

A This is a document on which the regulations for the treatment of prisoners of war of the 14th Army was based.

Q Is that document an official publication of the Japanese Imperial Army?

A Yes, it is.

MAJOR SKEEN: I offer in evidence Defense Exhibit H, which is a true translation of the Japanese document.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: I want to say once again to the Commission that I received this about 30 minutes ago. I would like to ask one or two questions for the purpose of

objection, if I may.

GENERAL DONOVAN: Is this an official document of the Japanese Army?

MAJOR SKEEN: The Defendant has testified that it is, sir. I am willing to ask him further questions and further identify it.

COLONEL MEEK: I would like to know -- I would like to ask questions as to who translated it, if it has been compared by the official translator of the Commission.

GENERAL DONOVAN: Go ahead and ask your questions, if you please.

COLONEL MEEK: I will have to ask Major Pratt:

As to Exhibit H, Major Pratt, have you examined it?

MAJOR PRATT: I do not know who made the original translation, but we have checked the translation with this document and the translation is accurate.

COLONEL MEEK: Now, I would like to ask one or two more questions.

I notice that this is headed "Revisions of No. 167, 1940; No. 7, 1905; No. 31, 1914; No. 30, 1943; No. 57, 1943," this being apparently Volume No. 22.

Is that right?

MAJOR PRATT: Yes, that is correct.

COLONEL MEEK: This being the revision of 1943.

MAJOR PRATT: It does not state that, Colonel.

LIEUTENANT ONODERA: May I explain this? The word "Rikutatsu" means something like army circular or regulation No. 22. In the revisions those numbers are listed to show revisions have been made at various times. For instance, Rikutatsu No. 22 has been made.

GENERAL DONOVAN: Is that the latest revision?

LIEUTENANT ONODERA: The latest one was made in 1943.

GENERAL DONOVAN: What else do you want to know?

COLONEL MEEK: It appears that that revision now is for the period of 1943, the last previous revision being 1914. I have no way of knowing, and this Commission has no way of knowing --

GENERAL DONOVAN: Just ask your question.

COLONEL MEEK: I object to it because it is of a period not covered by the period in question here, being December 1941 to 5 August 1942.

MAJOR SKEEN: I would like to ask two more questions.

GENERAL DONOVAN: Can you throw any light on it?

MAJOR SKEEN: Yes, by asking the witness several more questions.

Q (By Major Skeen) At the time of your invasion of the Philippines was there in existence this army regulation?

A Yes, it was. I should say that between those years of the revision some documents always supplemented that. This is the final revision in 1943, which I did not know,

but supplements are not always in the form of revisions, but keep coming and going.

Q Now, to your knowledge, was the document in effect when you first invaded the Philippines substantially the same as this document which we have here?

A Yes.

GENERAL DONOVAN: Colonel Meek, have you anything?

COLONEL MEEK: When you entered the Philippines in 1941, the volume then was dated 1914, is that correct?

THE WITNESS: Pardon?

COLONEL MEEK: Referring to these dates when you entered the Philippines, the last revision that had been made of this was in 1914, is that right?

THE WITNESS: No, I just told Defense counsel that there was always some document as a supplement to the former revision, because we were in war in China, so those things were published.

GENERAL DONOVAN: Let me ask a question. Was 1914 the date of the initial document? I want to find that out. Was 1914 the date the book or regulations was published, the basic book?

MAJOR SKEEN: That is my understanding, sir.

GENERAL DONOVAN: Then there were many supplements added throughout the years, is that correct?

MAJOR SKEEN: That is correct.

COLONEL MEEK: What is the date of the other book? Is there another date of another book?

MAJOR SKEEN: Revisions of the entire regulations were made in certain years, which are listed here. Now,

there was a revision made in 1943. However, I have asked the Accused and he said this is substantially the document on which the regulations were based.

COLONEL MEEK: I would like to ask Major Pratt for a clarification of the word "revision" that appears up there. Does that mean the entire thing was revised in Japanese? I refer now, Major Pratt, to the word "revision." I understand this is the regulation number 22, and it was revised in 1904, 1905 and then down here twice in 1943.

GENERAL DONOVAN: Do you want to find out if new sheets were published?

COLONEL MEEK: Yes. It is quite apparent from reading this that this conforms to the Geneva Convention quite generally, but I know full well that in 1914 it did not. I want to know what it contained when he entered these islands in 1941. Let's have a book on that; they have got them.

LIEUTENANT ONODERA: The explanation of this is: That the title of one particular regulation -- this book I think should be entitled more as a collection of all various regulations concerning this. In other words, you have a regulation for handling of prisoners, you have a regulation for housing prisoners, and such and such. This is army circular number 22, which deals with regulations for the handling of prisoners of war, and this was originally issued in 1904, 14 February. Then in 1904, under the army circular number 167, some parts were revised, either something was supplemented or taken out, or something. In 1905 something else was done to it, and so on

down until 1943.

GENERAL DONOVAN: We understand that part of it. Are those deletions and additions -- are the deletions indicated anywhere that paragraph so and so is out and has been deleted?

MAJOR PRATT: Yes, sir, parts that have been rescinded have been so marked.

GENERAL DONOVAN: The exhibit is accepted for whatever probative value it may have.

(Defense Exhibit H for identification was received in evidence.)

COLONEL MEEK: I do not like to be contentious, but I would like one other thing at this time in connection with that. I want to point out at this time that this witness has stated that this document is substantially the same as the one that was in effect when they entered the Philippines in 1941.

GENERAL DONOVAN: We understand that.

Q (By Major Skeen) When were the initial landings in the Philippines made?

A Three detachments were sent to Aparri, Vigán and Legaspi, and the main force landed at Lingayen and Lamon Bay.

COLONEL MEEK: The question was when, is that not right?

MAJOR SKEEN: Yes, the question was when.

Q (By Major Skeen) When were the initial landings of the Philippines made? Will you give me the dates on which those were made?

GENERAL DONOVAN: This is all right. Now, if he can give the date it will be straight.

MAJOR SKEEN: He gave the places, but not the dates.

THE WITNESS: A force landing of the detachment was on the 10th of December. The landing of the main force was on the 22nd of December, 1941.

Q (By Major Skeen) Were any landings made on islands in the Philippines other than Luzon at this time?

A No, only on Luzon.

Q When were the first Japanese troops landed on Leyte?

A Towards either the end of April 1942 or the beginning of May. After the fall of Bataan the Nagano Detachment, which was in Bataan, was sent to the Visaya District.

Q When did you first arrive in the Philippines?

A I arrived in the Philippines on the 24th of December, 1941.

Q Now, using the map which is on the board, will you outline the essential elements of your campaign in the Philippines?

GENERAL DONOVAN: Do you have a pointer?

MAJOR SKEEN: There was a pointed here.

GENERAL DONOVAN: We want a pointer for this. He may go ahead and start.

Q (By Major Skeen) Will you go ahead and start?

A The general plan of the campaign in the Philippines was prepared by the general staff and given to the army headquarters, and we could not alter the fundamental matters, but the army was only to work out the details how to carry it out.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

MAJOR SKEEN: May we have the last answer read?

(Answer read.)

Q (By Major Skeen) Now, will you continue?

A The principal features in the initial stage of the campaign -- I will point out two or three matters. Firstly, to destroy the air force in the Philippines with the assistance of the naval air force, which was very powerful and based on Formosa. Secondly --

COLONEL MEEK: Wait a minute. I hate to interrupt, but may I have that answer read?

(Answer read.)

THE WITNESS: We estimated the air force in the Philippines at about 250 planes. I was given, including the naval air force, which was not under my command, about 400 planes. Owing to the very short range of the army planes at the time, it was necessary to capture the airfield on Luzon. That is why we sent the three detachments, one to Aparri, one to Vigan and the last one was sent to Legaspi here (indicating).

Awaiting air combat over Luzon, we sailed from Formosa and Japan to Luzon. The main force was composed of the 48th Division, plus one regiment of infantry from the 16th Division. The 16th Division, less one regiment of

infantry or one battalion, was to land on Lamon Bay.

I had nearly 70 boats for the transportation of the main force. Those transport ships were assembled in the islands, in the China Sea between Formosa and the Chinese Continent called -- I don't know what you call it -- Bokoto Island.

MAJOR PRATT: That is the Pescadores Islands, I believe.

THE WITNESS: The 16th Division were on board ships in the southern part of Kyushu, that is the southern part of Japan. The naval air force was fairly successful in the air combat, and we sailed -- strike that out, please. Three detachments were sent to those three places that I mentioned, that is, one battalion and a half to Aparri, about the same strength of troops on Vigan, and about one battalion to Legaspi, and those two detachments landed at the places on the 10th of December, and the battalion sent to Legaspi, the landing was on the 12th or the 14th, I do not remember which.

We left Formosa on the 18th, and sailing southward to Indo China to avoid the aerial attack and to avoid encountering the navy. So we went down to about here (indicating) and came up again to Lingayen. It took us five days to get to Lingayen from Formosa.

In the very early morning on the 22nd of December, we anchored the transport boats between Damortis and San Fernando, La Union. Then we came under fire from the artillery on the shore. My mission was to capture the capital of the Philippines as quickly as possible. The

defense organized on the bottom of the bay and around San Fernando, La Union, but there was a gap around the coast where we were anchored. It was a coincidence. I did not know where the defense positions were or were not. I didn't know if they were there or not. Then we were attacked by the submarines at the anchoring place, and we lost one boat -- I am sorry, I am mixing this up a bit, but I will go back a bit. When the boats transporting one battalion and a half came to Aparri they were attacked from the air and from the sea.

The convoy and one cruiser were badly damaged over here (indicating), and two transport boats were very badly damaged at Vigan. About 2 o'clock in the morning of the 22nd we started the landing barge and the landing boats, and the first party got into the boats and went to shore. Then an unexpected situation arose.

During all my campaign in the Philippines I had three critical moments, and this was number one. All boats which went to shore did not come back to the transport boats. Owing to the sea, the condition of the sea, we call it the rolling wave, and I do not know what or how you would explain it, but on the beach, all the boats were sent up to the shore and buried in the sand and couldn't get out. So it took us a full day to dig them out and bring them back to the mother boat.

So the landings scheduled was not carried out as previously set. In the morning the fighter planes came over those transports. There was air fighting just over our heads. After sending the first party, we could not

send the second.

GENERAL DONOVAN: I would like to interrupt the witness at this point and ask him to have a seat.

The Commission has accepted the exhibit covering the regulations for the handling of prisoners of war for such probative value as it may have.

I will now read from a document signed by James F. Byrnes, Secretary of State of the United States of America:

"I certify that the document hereunto annexed contains (1) a true copy of a certified copy of the official French text of the convention relating to the treatment of prisoners of war signed at Geneva July 27, 1929, which certified copy is on file in the archives of this Government, and (2) the English translation of that convention."

MAJOR SKEEN: That is a Prosecution Exhibit, is it not?

GENERAL DONOVAN: Yes.

And the last part:

"I further certify that, in response to proposals made by the Government of the United States through the Swiss Minister in Tokyo, the Swiss Minister telegraphed on January 30, 1942 that the 'Japanese Government has informed me: "... Although not bound by the Convention relative treatment prisoners of war Japan will apply mutatis mutandis provisions of that convention to American prisoners of war in its power."'"

The witness has testified that the exhibit that was accepted was in force at the time that he was in the Philippine Islands. If there are other regulations governing the handling of prisoners by the Japanese we want such

regulations.

I would like for you, Colonel Meek, to make an effort to get such regulations. In connection with that I would like to say this, again, about putting in exhibits, please present the exhibits to the opposing side in time to have them take a look at it, so we can avoid unnecessary delay.

GENERAL DONOVAN: We will recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 5 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours, 5 February 1946.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

MASAHARU HOMMA

the Accused, a witness in his own behalf, having been previously sworn, resumed the stand, and was examined and testified further as follows:

DIRECT EXAMINATION (Resumed)

GENERAL DONOVAN: Will you read back the last two or three sentences?

(Record read.)

Q (By Major Skeen) Will you continue from that point?

GENERAL DONOVAN: Will you establish the year there?

Q (By Major Skeen) Will you state the year which you landed in the Philippines?

A Oh, yes, it was in 1941.

Q Now, will you continue from where you left off?

A I was worried about the situation, because a part of my infantry went ashore, and the rest of the troops were on board. If we were counter-attacked we were almost helpless. If we were to be counter-attacked we would be helpless. But we did not know when the sea would become calm enough to land the next day. So during the night of the 22nd I moved, shifted the anchoring position of my boats to the south so that we can land between Damortis

and Lingayen. We are able to land the troops the next day. It took us two or three days more to land all the troops on the shore.

The airfield we intended to capture at Aparri and the airfield at Legaspi were too small we found on landing. So looking for a better place, a better airfield, a part of the unit which landed on Aparri was sent down here -- I haven't the name of the place -- anyway, about here (indicating). But even this airfield was not big enough to advance the greatest part of my bombing planes. A part of my bombers were advanced to this airfield, and we advanced our fighters, fighter planes, to Aparri and Vigan, while the naval air force was still keeping their base on Formosa all the time.

By the 25th or the 26th, the 48th Division was all ready to advance, and those units that landed at Aparri and Vigan came down to join the main force of the 48th Division. We sustained a fairly big amount of casualties on landing south of San Fernando, La Union. Then we came in contact with the USAFFE for the first time at Rosario, Pozurrubio and San Fabian; next to Binalonan around Urdaneta and Carmen. At this time I had my headquarters at Bauang. At this time I might explain that the 48th Division was the best equipped division, with motor vehicles in the army. There were only two divisions with sufficient motor vehicle equipment. One was a guard division and one was the 48th Division. That is the reason this division was transferred to Java. We knew by this time that several divisions of the USAFFE were moved up on this part here (indicating). That was the 24th Division or the 91st

Division or the 101st or 111th Division, I don't know which. A little fighting took place around those places that I mentioned.

As my mission was to capture Manila as quickly as possible, at once, the main force of the 48th Division were on the road to Cabanatuan and Manila, and sending one regiment of infantry which belonged to the 16th Division towards Tarlac. We had fighting around Cabanatuan and Paniqui and Tarlac. This regiment which advanced had many men killed in action just north of Tarlac.

Although the 48th Division was equipped with motor vehicles and bicycles, one battalion of the infantry regiment had bicycles -- they moved up quickly, but all the bridges over there were blown up and they were stopped. On the 28th of December, 1941, I moved our headquarters to Binalonan.

On the 24th of December the main force of the 16th Division came along Lamon Bay and anchored around between Mauban and Atimonan. Part of the 16th Division encountered heavy resistance at Mauban. They were advancing toward Manila. There was fighting around Lucena and Lipa and San Pablo.

Both divisions were advancing toward Manila from the north and south, and by the evening of the 1st of January, 1942, we arrived at the outskirts of Manila. I moved my headquarters from Binalonan to Cabanatuan on the 1st of January, 1942.

GENERAL DONOVAN: What date was that, Major Skeen, when they were at the outskirts of Manila?

MAJOR SKEEN: The 1st of January, 1942.

THE WITNESS: So now we are ready to go into Manila, but I stopped the advance of both divisions at the outskirts of Manila. If those divisions went in together from south and north anything might happen. The divisional commanders of both divisions protested to me. They wanted to go into Manila as soon as possible. I stopped them. Arrangements were made to enter the City of Manila with only two battalions from each division, and the rest of the divisions must stay out of the city.

By this time it became apparent that USAFFE was withdrawing to Bataan, and their intention was obviously to resist with the cooperation of Manila Bay forts in Bataan. So the 48th Division advanced towards Bataan north of Manila, but the bridge at Calumpit was blown up. That is a wide and very deep river. We could not cross it very easily. We tried to cross the river by small boats, but it took us a very long time even to cross the river; one battery of artillery took one day.

However, by using part of the 48th Division -- by using all means, part of the 48th Division went to Bataan, but before we reached Bataan there was very stiff fighting on the line of Guagua and San Jose, this line here (indicating); three days of fighting at that point. After that the one regiment of the 48th Division reached the place called Hermosa about the 7th of January. Then orders came from the Imperial GHQ to transfer the 48th Division to Java. By that time the 65th Brigade, which was on the way to Formosa when we left Formosa, were coming

into Luzon, but this unit, the 65th Brigade, was newly organized and it was intended for garrison duty. The training and equipment was very poor. The regiment is composed of only two battalions instead of three, and there was no machine gun unit attached to it, but as the 48th Division was withdrawn I had to use this brigade for the offensive.

I called the staff officer in charge of intelligence and asked what was the mission of USAFFE in Bataan. The word I heard was that there were 25,000, and this brigade was only 6,500, but I had one more regiment which belonged to the 16th Division.

GENERAL DONOVAN: Major Skeen, he does not have to stand up any more. If he wants to stand up it is all right, but he can sit down if he wishes to.

THE WITNESS: I want to point this out, and later I want to use this big map here.

GENERAL DONOVAN: All right.

MAJOR SKEEN: He prefers to stand up, sir.

THE WITNESS: I might mention here, we did not have a proper map. What we had was a very small scale map, and the map that was here in this room was a blown-up map of it.

GENERAL DONOVAN: Well, we will take a short recess until we can get the map fixed up.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

THE WITNESS (continuing): At the beginning of January, the 65th Brigade began to arrive at Lingayan, and they marched from the landing place to Bataan in a great hurry to relieve the 48th Division. Then they started the offensive on the 9th of January, and at that time we were not sure where the defensive position was, and, as I said, this map is too small a scale to show anything about the exact position.

I advanced my headquarters from Cabanatuan to Baliuag on the 3rd or 2nd -- the 3rd of January -- all of my headquarters except myself and Colonel Nakayama, who was in charge of the operations sections, and a few aides and staff officers.

So on the 12th of January I advanced my headquarters to San Fernando, with a very few staff officers.

The attack began on the 9th, along the defensive position on the Abucay line to Mt. Natib. It proved a very well organized position, as we found it. The artillery fire on Bataan, of the USAFFE, was very powerful and accurate. We suffered great casualties from the artillery fire. The attack was very slow, and casualties were gradually increasing.

On about the 20th of January I ordered the commander of the 16th Division to come forward to participate in the

attack. One of his regiments was here on the east side of Mt. Natib, and one of the regiments of the 16th Division which were coming from Legaspi were delayed and had not arrived at Manila yet. So he brought one regiment, which was the 20th Regiment of Infantry, and other auxiliary troops, and I sent him around to Olongapo, but there was no road coming to all this part (indicating), to Moron, and this is a part with very thick jungles. So we tried to transport the 16th Division to Moron by boats which we had, and the 20th Regiment of Infantry arrived at Moron about the 23rd or 24th.

By the 25th of January the USAFFE on the line of the Abucay Hacienda, that is, west of Abucay, began to withdraw. Somehow a paper, a large sketch of paper, was found, which belonged to an American officer. On that map there was four lines drawn up by red pencil. On this part of it (indicating) was "MLR," which I interpreted as "Main Line of Resistance," and on this part "RLR," that I interpreted as "Rear Line of Resistance"; and on the line at Limay there was again "MLR." So what I judged -- I appreciated the situation -- from this position they were withdrawn to the position at Limay, leaving their line of resistance on up the Balanga-Bagac line.

I ordered the 65th Brigade to press forward until they reached Limay. The 65th Brigade were coming on the road that naturally leads toward this part (indicating), so they are coming towards Balanga.

MAJOR SKEEN: Would the Commission like the Accused to use the large map of Bataan now? It will take just a

minute to switch these around.

THE WITNESS (continuing): Even at that time we did not have this map.

GENERAL DONOVAN: We will take a recess so that these maps may be rearranged.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

Q (By Major Skeen) Will you continue?

A The 65th Brigade and the 19th Regiment of Infantry, which belong to the 16th Division, pressed as far as this line (indicating), where they met very stiff resistance and couldn't move forward any more. And the 20th Regiment of Infantry, which advanced from Moron around the coast, arrived at the north of Bagac. They were stopped here and couldn't go southward. Then the commander of the 16th Division wanted to get around to behind the defensive line, so he sent one battalion of infantry of the 20th Regiment by boat from Bubic Bay to Saysain Point, to land at Saysain Point, but the map they had at the time was the one which was just shown here, a very small scale one, and it was a dark night, and preparation for the landing was very incomplete, so that this battalion landed we didn't know where. It was found out later, one of the companies came as far as near Mariveles, and most of them were landed about Quinauan Point and Canas Point -- not as a battalion,

but as a group of platoons, companies, and sections. There was intensive machine gun fire and artillery fire southward from the coast, and they were entirely lost, without a trace; this battalion was heard no more about.

But a week passed, and we did not hear any report from the battalion. So the commander of the 16th Division was very anxious about it, because they had only three days left, and we sent over plane after plane but couldn't locate any trace, because it was jungles. The planes dropped a bag of rice at random, but of course those bags did not reach the battalion.

Then at the beginning of February, 1942, I think about the 3rd or 4th of February, the commander of the 16th Division determined to reinforce the battalion which was previously sent, so he sent another battalion to the same point, but it met the same fate as the previous one: It was lost without a trace, and we couldn't hear anything of it any more.

That was two battalions of the 20th Regiment of Infantry. The regimental commander of the 20th Regiment, in the hope to reach his battalion, broke through the defensive line in the east of Bagac about this part (indicating), and then reached about here (indicating), but that regimental commander and battalion was surrounded in the jungles and couldn't move either forward or backward. It was lost without trace, too.

In the meantime, the 65th Brigade and 19th Regiment, which were fighting around Mt. Natib, here at a place called Capotoharo, around here -- this is a place where the

bitterest fighting was going on.

And about the same time the 33rd Regiment of the 16th Division were brought in and put in somewhere, but they couldn't get forward.

About the 10th of February I knew -- I came to know that those two battalions were lost, and if I didn't do something about this battalion which was surrounded in the jungles, this would be also annihilated.

Because of the heavy casualties and tragedy of the 20th Regiment, I made up my mind to stop the offensive and to withdraw this regiment to the rear. This battalion took four days to cross about a distance of 1,000 meters behind. They had been without food for 13 days, and they came out exhausted.

By that time the strength of the whole troops in Bataan was reduced in infantry about three battalions, and the units got mixed up everywhere. I could not ask for reinforcements from Tokyo. It isn't considered in the Japanese Army for the Commander-in-Chief to ask for reinforcements; he must do with what he was given.

COLONEL MEEK: May I have the last part of that answer read, the last few lines?

(Record read.)

GENERAL DONOVAN: While the interruption is going on, I wish we could get the other reporter here and we will read back the question and the answer as far as we have gone.

Have the witness take his seat and we will read back from where he started on his answer.

(Record read.)

MAJOR SKEEN: Will you continue?

GENERAL DONOVAN: Let's get the arrangement all made again.

THE WITNESS: I do not recall the date, but it is sometime between the 15th and 20th of February, 1942, I ordered the withdrawal of the whole line (indicating), about this line from Balanga and the northern part of Bagac to rearrange the disposition. It was about this time that my death was reported, committal of suicide was reported.

I was in very bad shape. If the USAFFE took the counter-offensive I thought they could walk to Manila without encountering much resistance on our part. I had no troops in my hands.

I asked the Line of Communications commander, "How much troops can you give me?"

He said he can give me only two companies.

So I said, "All right, give me that two companies -- better than nothing."

By the end of February the order came from Saigon that the 4th Division force was going to be added in my army, but I was still not competent to attack with this 4th Division, because this is a division worse equipped of the whole Army, obsolete. Besides, it would take the whole month of March to come around to reach Luzon.

Then another order came from Saigon giving me the Nagano Detachment.

I said I had three critical moments in my campaign. This was the second one. And again I was going to be given

two others -- Kawaguchi and the Kawamura Detachments. In fact, the last regiment of the 4th Division arrived at Luzon at the end of March, so by that time the chief of my staff was relieved and General Wachi came, and I called all of my staff officers who stayed in Manila to Bataan and put all our energy in the preparation of the next offensive.

By this time this map was found in Manila, on which the organized defense was shown all along the line. This organization of the defense checked with what we found in the actual situation.

The preparation was adequately made and the time; zero hour was fixed at three o'clock in the afternoon of the 3rd of April. By that time I had advanced my headquarters to Orani. From 11:00 until 3:00 in the afternoon, on the morning of the 3rd of April we put on intensive artillery firing, and then the infantry went over the top.

The disposition of the troops: The 16th Division along this line (indicating), and the 65th Brigade here (indicating), and the 4th Division south -- no, north of Mt. Samat, and the Nagano Detachment along the coast. The main direction of the offensive was directed as this arrow shows (indicating).

On the first day of the offensive it progressed as scheduled and we were not able to reach Limay. In three days' time we were able to break through this part of the defensive to the corner (indicating), the final line or final area of defense. Previous to that I had heard there must be more than 25,000, the strength of USAFFE in Bataan, because wherever you go you meet a very superior opponent.

So I called Major Haba of the Intelligence Section and told him, "Your estimation of the strength was 25,000, but I feel much more, very much more. You go back and estimate again."

He came back and reported to me, "40,000."

So,"In my estimation," I told him, "it must be 60,000, but I have no data to contradict you, so I accept your estimation."

So we took the strength of the USAFFE in Bataan as 40,000, but before we started the second battle of Bataan we expected to take about a month to Mariveles, because we expected the main line of resistance around Limay, and then there would be another line north of Mariveles. If I was fortunate enough to break through the first line of resistance as scheduled, I could not reach Mariveles within a month. That is our calculation of the days we needed.

I do not recall the exact day, but the divisions around this line of defense (indicating) consisted of about nine divisions. Of course, the strength of the divisions are not what we have in our Army; very much smaller. But still there are nine or ten divisions on this line.

After the first day of the offensive advancement of the first line progressed better than we expected, and we reached Limay, but we did not meet much resistance on this line. That was beyond our expectation. So the 4th Division got exhausted by the time they reached here (indicating), so I withdrew the 16th Division from here (indicating), and brought it down to the east coast to advance beyond the

4th Division and go southward and on the 9th of April the envoy of USAFFE with the white flag came along with the Nagano Detachment.

GENERAL DONOVAN: I would like to have that read back.

(Record read.)

GENERAL DONOVAN: We will take a short recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Q (By Major Skeen) When did you first learn that Manila was to be declared an open city?

A I cannot state the exact date. It was either the 29th or 30th of December, 1941, in Binalonan.

Q How did you receive this news?

A I believe the Chief of Staff, Lieutenant General Maeda, came to me and told me there was some information received from Tokyo to the effect that the San Francisco broadcast was saying that Manila was declared an open city.

Q What did you do when you received this news?

A I told the Chief of Staff to stop the firing and bombing over the city, and order all the units concerned. Before I left Formosa I had already given instructions to the air force and artillery units forbidding the indiscriminate bombing of villages and towns.

GENERAL DONOVAN: Will you read that back?

(Answer read.)

Q (By Major Skeen) Did you order steps to be taken to verify the authenticity of this report?

A General Maeda was telling me that he was going to do that to verify the authenticity of the information.

Q Did you give your approval?

A Yes, I did.

Q When did you become positive that Manila was, in fact, an open city?

A On the evening of the 1st of January, 1942, when I was in Cabanatuan somebody -- I forget whom -- a staff officer, came to tell me that Manila was lighted in the evening, so I knew it was true.

Q Did the operational plans for the army air force call for the bombing of the City of Manila?

A No order to bomb Manila was ever given. However, one of the targets of the air force, the army air force, was the destruction of the air force of USAFFE, the targets, I mean the airfields, the land, Nichols Field and Nielson Field might have been targets.

Q But you are sure that the city itself was not ever a target? Are you sure the city itself was never a target for the air force?

A No, the City of Manila was never a target for the army bombers.

Q Will you explain briefly the plan for the use of aircraft in the Philippines?

A As I explained before, the army planes are very short ranged.

GENERAL DONOVAN: Will you read that?

(Answer read.)

THE WITNESS: (Continuing) At the initial stage of the campaign the area was divided into two parts for the army and the navy, and the army took the northern part and the navy the south, southern part. The boundary, I cannot recall exactly what it was; it was either the line of Baguio or Stotsenberg, but anyway the naval air force engaged themselves chiefly in the strategic

bombing and they bombed Clark Field and places like that.

Q After landing in the Philippines did it become necessary for you to make any change in the organization of your headquarters with respect to military administration?

A Yes, it was found necessary, and I gave the authority to the Director of Military Administration to give orders to the military police so far as the maintenance of peace and order and police matters are concerned. Then I explained in my statement of the campaign, that as a result of the Battle of Bataan, I had to engage entirely and purely in the operational matters in Bataan, and I called all the staff officers to Bataan. So I ordered the transfer of the authority to the Director of Military Administration for the time being, so I asked the approval of General Terauchi, and General Terauchi not only gave me the approval, but he gave me the order to transfer, to place General Hayashi, as Director of Military Administration, in full charge of the Military Administration.

GENERAL DONOVAN: Will you read that part back?

(Answer read.)

THE WITNESS: (Continuing) That was, I think, at the end of February.

Q (By Major Skeen) What was that?

A I think it was the end of February.

Q 1942?

A Yes.

Q During the temporary absence of the chief of staff, who acted in that capacity?

A When General Wachi went away he made arrangements

with Colonel Nakayama to take his place. There was General Hayashi as deputy chief of staff, but that was only nominal. He had nothing to do with operational work. He had the title of deputy chief of staff, because he had staff officers in charge of the Military Administration, and concurrently the members of the Military Administration --

Q Were General Hayashi's duties entirely concerned with military administration?

A Yes, his sole duty was to discharge his mission as chief of the Military Administration.

Q Was General Terauchi the commander of the Southern Area Army?

A Yes, he was.

Q Do you know whether the military police in the Philippines could receive orders directly from the military police in Tokyo?

A Yes, it could. The military police is not a combatant unit. It has its own peculiar tradition in history. However, it is under the control of the military police in Tokyo.

Q Do you know whether the military police under your command ever received orders directly from Tokyo?

A No, I don't think so.

Q When did you first hear that the American forces in Bataan were going to surrender?

A On the morning of April 9th.

Q Where was your headquarters at that time?

A I was in Balanga.

Q How did you first hear of that news?

A Staff Officer either Nakayama or Haba came to me, telling me that a staff officer of the USAFFE came to the headquarters of the Nagano Detachment.

Q What did you do when you received this news?

A I sent Colonel Nakayama, the colonel in charge of the operations section, to meet the envoy.

GENERAL DONOVAN: What was that last?

(Answer read.)

Q (By Major Skeen) When did you know that the surrender of the American forces was an accomplished fact?

A It was in the afternoon of the same day.

Q Can you recall --

GENERAL DONOVAN: What date?

Q (By Major Skeen) Will you state the date?

A April 9th.

GENERAL GARD: All the American forces?

MAJOR SKEEN: On Bataan.

Q (By Major Skeen) Can you recall what time in the afternoon on the 9th of April that was?

A No, I cannot state the time. I thought it was toward evening, but I am not sure.

Q Did Colonel Nakayama return and report to you concerning the surrender?

A Yes, he did.

Q Will you state what he reported?

A He went out, thinking he was going to meet the envoy, and he was in the hope that surrender would be of the whole USAFFE. When he came back he reported to me he

reported to me he met General King, and he did not know that he was General King, and asked him was the surrender of the whole USAFFE. General King told him he surrendered his troops under his command with the approval of General Wainwright, and he had nothing to do with Corregidor. Also he reported to me that surrender was unconditional, and General King surrendered with his troops.

Q Was there any written record made of the surrender terms?

A What is that?

Q Was there any written record made of the surrender terms?

A No, sir, there is not.

Q Was there any effective time of surrender set?

A No time was fixed.

Q Do you know whether the physical condition of the American forces was made known to your headquarters prior to the surrender or at the time of surrender?

A We did not know and we were not informed of it.

Q Did you leave your headquarters at Balanga?

A When?

Q At the time after surrender.

A Yes.

Q When was that?

A I stayed a few days and went out -- it was either the 15th or the 16th, I cannot recall the exact date, and went to Bagac.

Q Why did you make that trip?

A I went to see defense positions of USAFFE along that

road.

GENERAL DONOVAN: Will you read that answer?

(Answer read.)

GENERAL DONOVAN: That is the Balanga-Bagac Road?

MAJOR SKEEN: The Pilar-Bagac Road, I believe, sir.

Q (By Major Skeen) Did you see any prisoners of war on your trip to Bagac?

A I saw them.

Q Will you describe those prisoners?

A On the southern side of Balanga there was a river running from west to east, and there was a bridge over the main road, and just beyond the bridge there was an open field that was the concentration area where the prisoners were coming from all directions, and as Balanga was a starting point for the evacuation, I saw the column marching from that concentration area toward San Fernando. There were many prisoners who were in the open field south of the river. I may be mistaken, but I will state what I recall. On the southwest of Balanga the river was bending gently, and on the bank a few trees were standing, and along -- between the bank and the road there are many prisoners who are sitting down, and I am not sure, but I feel that there was a water pipe sticking out between the road and the river. But I am not so sure about it, but anyway the prisoners were making a queue, they are lining up, and on the east side of the road in the open field there are not many prisoners, but over that area there was a hedge and beyond that hedge there are civilian evacuees -- I mean refugees -- who were camping.

Q Were any of the prisoners in the river?

A Yes, the river was not very deep, and the water was in part of the bed, and the water was clear, but some of the prisoners were in the water, and some are washing.

Q Did you see any signs of mistreatment of prisoners at the time you observed this concentration area?

A Oh, no, I did not. I saw very few guards standing there.

GENERAL DONOVAN: Read back that question and answer.

(Question and answer read.)

Q (By Major Skeen) Were the prisoners at this time organized into groups of definite numbers?

A No. The prisoners were organized from Balanga into a group or column, but afterwards from Balanga south or westward they were not organized.

Q Did you go any further south in Bataan? Did you go any further south than Bagac into Bataan?

A Yes, I went to the 4th Division Headquarters and Army Artillery Headquarters.

Q Do you recall the dates on which you made those trips?

A Around the 21st or 20th. I cannot say the exact date.

Q That would be about the 20th of April?

A Yes, April.

Q Did you see any prisoners on that trip?

A I did not see many, but some of them were coming along towards Balanga.

Q On any of your trips from Balanga south into Bataan, did you see any American or Filipino transportation?

A I saw many.

Q Will you state approximately how many you saw, and the condition of them?

A It is hard to say, because they are all scattered all

over the places, and I saw many on the way to Bagac and on the way across to the 4th Division. But I might say there were between 50 and 100, but I am not so sure.

Q Well, at any place did you see any trucks or cars which appeared to be in operating condition?

A Well, most of them were placed upside down, and some of them were without tires, or damaged. My impression was they were not in operating condition.

Q Did you see any large concentration of vehicles?

A No, I did not.

Q Now, did the Japanese Army have sufficient transportation to meet their own needs during the campaign in the Philippines?

A No, far from it. We were very poorly equipped with motor vehicles. The number we had was grossly inadequate for the requirements of the Army. To supplement this shortage of motor vehicles, we purchased about 3,000 Filipino ponies and used them.

COLONEL MEEK: May we have that answer read?

(Answer read.)

Q (By Major Skeen) When did you first learn the correct number of American and Filipino prisoners of war?

A In the evening of the 9th Major Haba came to me and reported the strength of the USAFFE was 70,000; his previous estimate was wrong. I asked him, "How do you know?" He said he learned it from General King's Headquarters.

Q You mentioned that on one of your trips into Bataan you went to the headquarters of the Artillery and the 4th Division.

A Yes.

Q Can you point out on the map the location of those headquarters?

A I went along from Balanga, came down to Cabcaben, and I got out of the car here (indicating), went to the sea side, then I went into the jungle where the 4th Division Headquarters was, then went to the Army Artillery Headquarters somewhere behind there, and came out to the main road, somewhere about here (indicating).

Q Now, to get back to the question of prisoners: Did you speak to anyone concerning the care of this increased number of prisoners?

A No, I don't think I did. But General Wachi came to me; he corrected the plan -- I mean the plan previously set according to the report that he received about the number of prisoners.

Q Did he tell you that the plan had been changed to meet the needs --

A Yes, that is what he said.

Q (Continuing) -- of these additional prisoners? Did you see the plan for handling of prisoners of war, the original plan?

A The original plan I saw, I knew; but the corrected one I did not see.

Q Do you know whether the evacuation plan for the prisoners specified that the move should be made by foot?

A No, nothing was mentioned about that transportation of the prisoners of war, but it was originally left to the discretion of the commandant of the army transport. However,

I was explained that there was no motor vehicles available, so the prisoners had to march as far as San Fernando.

Q Will you explain the procedure employed by the Japanese Army regarding the issuance of orders?

A The staff officer who was in charge of the matter drafts orders and submits them to the chief of the section for approval. When approved, either the chief of the section or the staff officer himself goes to that chief of staff for approval. When the chief of staff gives approval he comes to me, with or without the draft, and in most cases explains to me verbally what the order was.

Q Then who issues the order?

A Yes. Then he issues the order in my name.

Q Did you, as commander-in-chief, read every order that was issued from your headquarters?

A No, I did not. It was impossible to read so many orders.

Q Were the orders which were issued ever actually signed by you as commander-in-chief?

A No; the commander-in-chief never signs an order, but when the draft is submitted to him he puts his personal stamp on it. That means approval. And when the order is issued, the commander-in-chief never signs on the order itself.

Q Were orders ever issued in the name of the commander-in-chief which were not approved by you?

A There are many occasions, especially an order concerning the less important matters. The chief of staff will -- and sometimes the staff officer -- issue orders in the name

of the commander-in-chief, and that was not known to him.

Q Did any one of your staff officers make an inspection of the march of prisoners from Bataan to San Fernando?

A Yes, I think they did, on their own initiative.

Q Do you know whether any officer did make an inspection?

A You mean my staff officers?

Q Yes. Do you know that any of your staff officers actually did make an inspection?

A General Wachi, Colonel Takatsu, and Major Wada; they did.

Q Did Colonel Ohta make such an inspection?

A Yes, he did.

Q Did you receive any reports from these officers as to mistreatment of prisoners on the march?

A I did not receive any such report.

Q Now, had they seen occurrences would they have been reported to you?

A Certainly they would.

GENERAL DONOVAN: Just a minute.

We will take a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: Will you read the last question and answer?

(Question and answer read.)

Q (By Major Skeen) Did you receive reports from any officers, or anyone, as to mistreatment of prisoners on the march?

A I did not receive any such reports.

Q Did you, yourself, travel along the route of march?

A Yes, I did.

Q Can you recall the date, and where you went?

A I cannot recall the date, but it was sometime between the 19th and 25th or 24th of April; I went to Clark Field.

Q From where did you start this trip?

A I started from Balanga.

Q How many groups of prisoners did you see on this trip?

A My memory on the point is somewhat obscure. I saw one column, or one group, moving towards San Fernando from Bacolor, and I saw some who were resting at the warehouse at Lubao, outside of the warehouse. I may have seen more, but I can't recall. And, as it was almost the last stage of the march, I did not see many groups.

GENERAL DONOVAN: Does the Commission want the last part of that read? I heard it, but if anybody else wishes, we will read it back.

COLONEL MEEK: I don't need it; I got it.

Q (By Major Skeen) Did you stop near any of those groups of prisoners?

GENERAL DONOVAN: You had better read that last answer back.

(Answer read.)

Q (By Major Skeen) Did you stop near any of those groups

of prisoners?

A I did not stop.

Q What was the apparent physical condition of the prisoners which you saw at these places?

A They looked rather tired and haggard.

Q In your trip to Clark Field did you see any bodies along the road?

A Dead bodies?

Q In your trip, did you see any bodies, dead bodies, along the road?

A No, I did not see. From the testimony I heard in the court it appeared to me that there were many dead bodies lying along the roadside, but I do not see how it could be so, why I did not see any bodies lying on the road on my whole trip. However, I was not looking for them particularly, to find them.

COLONEL MEEK: May I have that answer read?

(Answer read.)

Q (By Major Skeen) How long did your headquarters remain in Balanga?

A My headquarters stayed at Balanga from April 8th until the 28th of April.

Q Did any staff officers from the Imperial Headquarters ever come to the Philippines?

A There are many who came, and there were always parties coming and going.

Q What were your plans for the assault on Corregidor?

A The plan was divided into two parts, the first part, the 61st Regiment of infantry with auxillary troops to land on the first night and capture Malinta Hill; the second part, the rest of the 4th Division to land on the second night.

Q Were naval planes used at any time to bomb Corregidor?

A Yes, there were planes after the fall of Bataan; units of air force came to Clark Field to assist me in bombing Corregidor, and they participated in the bombing. However, they were not placed under my command.

Q Why wasn't the assault planned for immediately after the fall of Bataan?

A I wanted to effect the assault on Corregidor immediately after the fall of Bataan, but I had no boats. I had to bring the landing boats all along from Lingayen, about 7 or 8 every evening, taking advantage of the darkness of the night. It took many days; besides a sudden outbreak of malaria occurred in the unit, in the 4th Division and others. The divisional commander over the 4th Division and his chief of staff and the other staff officers were suffering from malaria; and the 8th, 10th and 68th Regiments were suffering from malaria. The original plan of the assault on Corregidor was scheduled

on 25 of April, but it had to be postponed until the 5th of May.

Q When did you first know that General Wainwright wanted to talk with you?

A It was in the afternoon of May the 6th.

Q How did you receive this news?

A Staff Officers who came, I forget who, came to me and told me that General Wainwright wanted to meet me at Cabcaben at 6 o'clock on the same day, on the 6th of May.

Q Was Colonel Nakayama on Corregidor at the time?

A Yes, he was on Corregidor.

Q Do you know why he happened to be on Corregidor?

A I sent him with the first landing party. He was the staff officer in charge of operation section; before he left my headquarters I told him there are two courses open to General Wainwright from my estimation: One, is to go either to Mindanao, Visaya, to continue his campaign, or the other one was to surrender with all his troops under his command. I told him the first course was more probable, due to the very slack sort of control around Manila Bay. You can go anywhere you like to by submarine, but if he comes out I told Nakayama that Nakayama should not accept the surrender of less than the full troops on the hill under his command, and assure suitable surrender of the fortress in Manila Bay be tendered, made by the commander of the fortress to the ranking officer on Corregidor.

Q The ranking Japanese officer?

A The ranking Japanese officer.

Q What did you do when you got word that General Wainwright wanted to meet you?

A I forgot to tell you I also told Nakayama I will meet General Wainwright when he is ready to surrender all his troops, so when I got the word from Nakayama it was that General Wainwright wanted to see me, I took it for granted that means the surrender of his troops.

Q When and where did you meet General Wainwright?

A I met him at 6 o'clock in the evening at Cabcaben.

Q Did you talk to any of your staff officers at Cabcaben prior to going into this meeting?

A Yes,I did.

Q What was the conversation? Who did you talk to and what did you have to say?

A I went to Cabcaben just before 6 o'clock, and when I got out of my car I saw Colonel Nakajima in front of the building, and I asked him did General Wainwright mean the surrender of USAFFE, the whole USAFFE. He did not say clearly, but he said something, he did not quite understand how the matter stood, so he gave me some cloud in my mind.

Q Who was present at this meeting?

A I thought it was the end of the hostilities in the Philippines. I brought all the staff along with me - officers along with me who were available.

Q Will you name those officers?

A Major General Wachi, Colonel Nakayama came from Corregidor, Colonel Takatsu, Lieutenant Colonel Nakajima, Lieutenant Colonel Akiyama, Major Kitayama, Major Haba, and

I think there was one lieutenant colonel who came from The Southern Area Army Headquarters. I never learned his name.

Q Why was the conversation conducted through an interpreter?

A Although I could speak English, nobody could understand what is going on, everybody present, so I used an interpreter in the meeting.

Q Will you relate as accurately as you can what took place at that meeting?

A The place of meeting was a sort of veranda, wide veranda, of a bungalow. We were facing each other around the long table, and General Wainwright sat in front of me. There were six or seven staff officers, aides to General Wainwright, who sat opposite us. Then I started to ask him through the interpreter, "Are you the commander-in-chief of the USAFFE?" To this question the General replied, "No." That was an answer I had not expected. I was rather shocked to hear that, because I had asked through our intelligence service, and when they broadcast from the United States we learned and we were sure that he succeeded General MacArthur. Then General Wainwright said, "No." We asked him again - I forget the exact words that I said in the meeting - how that was so, and he said, "I was the commander of the forces in Luzon." Then I said, "What about troops in the other parts of the Philippines?" He said, "It was given away." I asked the General to whom was it given away. I do not know exactly whether he said General MacArthur or General Sharp.

I cannot recollect the name. Then I said, "When did it happen?" He did not give me a prompt answer, but he consulted -- or I shouldn't use that word -- he talked with an officer who was sitting on his right, and then he said, "About a week ago." This set me a bit suspicious, and as an officer of the army it was inconceivable to me that the commander can give away any part of his units at his will.

Then I asked the General if it was given away "can't you take it back, and I ask you to surrender with all your force." He said there was no way at all to communicate with the troops in Mindanao and Visaya. So I said, "Surely you have a wireless to transmit your order." Then General Wainwright said wireless apparatus was destroyed. Then I said, "In that case I offer you our army planes so that you can send your staff officers to transmit your orders to the troops in Visaya and Mindanao." And the General said, "I could not do that." So we pushed back that same question for a little while. I was disappointed and thought the meeting would come to no conclusion, and I turned to General Wachi, who was sitting on my right, and said, "What do you think, Wachi?" He said, "It is useless to continue the meeting." Then I agreed. I said to General Wainwright, "If you don't agree to my terms it will serve no purpose to continue the meeting."

A little later I left the meeting, followed by my staff officers.

GENERAL DONOVAN: Will you read that question and answer back?

(Question and answer read.)

GENERAL DONOVAN: On that last answer that was read, have you the word "Balanga" in there?

MAJOR SKEEN: Well, there is the part about six or seven staff officers who sat opposite, staff officers or aides.

GENERAL DONOVAN: And then the word "interpreter." Well, let it go.

THE WITNESS: When I said "officer," I meant "intelligence."

GENERAL DONOVAN: All right, Major Skeen. Will you ask him about the "conceivable" or "inconceivable"?

Q (By Major Skeen) Was it "conceivable," or "inconceivable"?

A The word was "inconceivable."

GENERAL TRUDEAU: Was the word "can" or "cannot"?

GENERAL DONOVAN: Is that right?

Ask the witness if that is correct.

Q (By Major Skeen) Do you mean it was inconceivable that a commander can, or cannot, give away --

GENERAL DONOVAN: Major Skeen, let's get that "inconceivable" and that "officer" and the word "can" or "can't."

MAJOR SKEEN: I suggest we start all over and have him make that explanation.

GENERAL DONOVAN: Leave the record that way and we will get the explanation now.

Q (By Major Skeen) Explain to the Commission the statement that you just made saying that it was inconceivable to you that an officer in the Army could give away part of his command. Will you explain that in your own words?

A To give away a large portion of his troops means to cut down the theater of operations, and it was only commanded and ordered by the highest commander, that is our conception.

Q Will you repeat the statement which you just made that started out "It was inconceivable to me"? Can you repeat that statement?

GENERAL DONOVAN: The Commission is satisfied with what he means. There is no question about what he means.

MAJOR SKEEN: I do not desire that he answer it, if the Commission is satisfied.

GENERAL DONOVAN: We do not desire it, unless you want to put it in.

The Commission will adjourn and meet tomorrow morning at 8:30.

(Whereupon, at 1640 hours, 5 February 1946, the trial was adjourned until 0830 hours, 6 February 1946.)

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BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXVII

PAGES 3088 TO 3179

MANILA, P. I.

DATE 6 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
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COMMANDING GENERAL,
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UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
6 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

LORENZ H. WINTER
MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	Direct	Cross	ReDirect	ReCross
Masaharu Homma (Resumed)	3087	3128		

EXHIBITS

DEFENSE EXHIBIT:	FOR IDENTIFICATION	IN EVIDENCE
I	3099	3103
J		3120
K		3120
PROSECUTION EXHIBIT NO.:		
423	3170	3170

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

MAJOR SKEEN: Will you read back the last question?

GENERAL DONOVAN: Read back the last two or three.

(Record read.)

MASAHARU HOMMA

The Accused, a witness in his own behalf, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (resumed)

Q (By Major Skeen) Was General Wainwright told that if he wanted to surrender only the islands in Manila Bay, that such surrender should be made to the local Japanese commander?

A No, I did not say anything concerning that matter, but I presumed that he would.

Q Who accompanied General Wainwright back to Corregidor?

A Colonel Nakayama, the staff officer in charge of operations section.

Q What did you do following this meeting?

A I left Cabcaben and went back to my headquarters at Lamao.

Q At what time did the meeting break up?

A It must have been between half-past six and seven when I got back to Lamao; it was nearly dark.

Q What was the status of your operation on Corregidor at

this time?

A I went back to my headquarters at Lamao. I was thinking of the meeting I had with General Wainwright and at the same time I was worried about the very precarious situation of my landing troops on Corregidor.

To explain that condition of my landing troops I must go back to the initial stage of the operation and, if I may, I want to explain a few things which happened during the time between the end of Bataan and the assault of Corregidor.

Q Will you explain those tnings?

GENERAL DONOVAN: Read the answer so far.

(Answer read.)

A In the evening of the 9th --

Q (By Major Skeen) Is this tne 9th of April?

A Yes, 9tn of April.

(Continuing) -- I gave three orders of march: one, for the prisoners of war; second, the 16th Division tc march to the District of Picol; the third, the 65th Brigade to march to the Mountain Province. The Nagano Detachment was to stay a little longer with the 4th Division in Bataan. The Army Artillery was taking position in the south of the peninsula, and I had tc bring down the landing boats from Lingayen, but it could not be done by land, so they must come by sea. After the fall of Bataan Corregidor had stopped firing. During that time two of the naval boats, small boats, very deliberately attempted to enter into Manila Bay in the front of Corregidor. They came in the broad daylight as far as Mariveles. Then they were fired upon by the 16-inch guns from Corregidor, so they fled from

the place. It was very indiscreet. It put me in a cautious position about bringing the boats in. The distance between was about four kilometers. Those boats were to be brought into the Manila Bay and must pass through the straits. The noise of the engines of the boats were sure to be heard at Corregidor, so we could not bring in many boats at a time. Five or eight boats were brought in, taking advantage of the darkness of the night. At that period there were Army planes flying over Corregidor and artillery fire was bombarding Corregidor in order to silence the noise of the engines. So it took many days to bring the 52 boats into the Manila Bay.

After those boats were brought in they were sent to Cavite to be repaired and to be prepared for the operation.

All along the coast precaution was taken not to be seen from Corregidor.

As I stated yesterday, the great outbreak of malaria among the troops on Bataan occurred. Then those boats were again brought from Cavite to Orani. The troops of the 4th Division were to be trained for the landing operation. The 61st Regiment of Infantry which was to land on the first night were trained first, but owing to the malaria only 250 men out of nearly 3,000 came out for training. Those troops recovered in nearly --

GENERAL DONOVAN: 250 out of 3,000?

THE WITNESS: Yes.

A (Continuing) Those troops recovered in nearly ten days time, so that we were able to go on fighting. At that time Corregidor had some torpedo boats, very quick speed

torpedo boats. Night after night they came out. We had to prepare to meet the torpedo boats through there. There were no Navy, so the Engineer Unit organized a small group of boats equipped with machine guns and small caliber guns. In the evening of the 5th of May the 61st Regiment of Infantry with two battalions left Lamao for Corregidor. The plan of the landing of the 61st Regiment of Infantry was to land two battalions for the first time and one battalion for the second time, and the landing place was between Cavalry Point and Infantry Point (indicating).

GENERAL DONOVAN: That is on the north side?

A (Continuing) And our artillery fire was directed between those two points with an intensive barrage, but this landing plan miscarried. The first battalion was to be on the right side and the second battalion on the left side and they were to land in this form (indicating), but it was placed on the wrong side at the starting point, so the second battalion landed at the point they were directed to, so the first battalion had no place to land. Consequently, the first battalion went around the tail side of Corregidor where there was no preparation for artillery firing for the landing. The commander of that battalion landed at the other place, and when he landed he found no troops whatever anywhere.

During this time those high-speed torpedo boats came out from the tail side, and there was fighting between those torpedo boats and bancas and the small boats organized under the Engineer Unit.

The time of landing was so chosen that while they

were sailing in the sea it was dark, and when they arrived at the island the moon had risen and it was bright. The 2nd of May was full moon.

The time fixed was half-past eleven. In sailing they were under very heavy fire from artillery and machine guns, together with searchlights from Corregidor. Many boats were sunk or came back to this side without reaching the island, and three tanks out of ten were able to land, and rocket guns -- none of the rocket guns could land. During that night I did not have a wink, so in the morning I was waiting for the report from Corregidor. The regiment landing at Corregidor were to take Malinta Hill by dawn. No report that they captured Malinta Hill came. I kept on sending my aide to the station asking whether the hill was captured, and every time I was disappointed, and in the early morning I had a report that about 400 American troops counter-attacked the northwest part of Malinta Hill.

By eleven o'clock no report about Malinta Hill came. I sent my aide again to get a definite report about Malinta Hill, but from the 4th Division Headquarters they could not ascertain that because the lines of the hostile troops got mixed up and he could not locate where the first line of the 65th Regiment was.

Then noon came; no report. A little after noon --

COLONEL MEEK: This is the 6th of May?

THE WITNESS: 6th of May.

A (Continuing) -- staff officers came -- I forget their names -- and told me the disastrous state of my landed troops, and he reported we lost 31 boats during the

night. That hit me very badly. I thought --

GENERAL DONOVAN: Read back as far as you have got there.

(Record read.)

A (Continuing) And I thought, "My God! I have failed miserably on the assault."

GENERAL DONOVAN: Read that last.

(Record read.)

A (Continuing) I had plenty of troops on this side of the sea. I cannot send reinforcements with the 21 boats which were left. If the lines got mixed up, artillery fire and the air force were not much help. The strength of the landed troops was about 2,000. By intelligence we are given to understand the strength of the garrison of Corregidor was 14,000. So if those 14,000 came to counter-attack against our landed troops we could have been easily driven back into the sea.

COLONEL MEEK: Did he say he had 2,000 troops?

GENERAL DONOVAN: Read that answer.

(Answer read.)

GENERAL DONOVAN: That is right, 2,000 troops.

COLONEL MEEK: All right.

A (Continuing) I was in the agony of mind since I got this report, but it was not very long. About a little after half-past twelve Colonel Nakajima, Lieutenant Colonel Nakajima, came to me reporting the white flag was hoisted on the island.

Now, going back to my original story after the meeting I had with General Wainwright I came to face the same

difficulty again about landed troops. I was thinking the matter over deeply when Lieutenant Colonel Nakajima came, asking me about the order of the resumption of the assault.

GENERAL DONOVAN: Will you read that last page?

(Record read.)

Q (By Major Skeen) Was this second landing carried out as planned?

A Yes, it was carried out as prearranged.

Q Now, after you decided to reinforce your troops on Corregidor when did you next hear that General Wainwright had surrendered?

GENERAL DONOVAN: Before that question is answered, I want you to read the last answer before Major Skeen started talking.

(Record read.)

GENERAL DONOVAN: Well, his explanation was a little confusing to me.

MAJOR SKEEN: When he started explaing the situation on Corregidor he had already mentioned the fact that his landed troops were in difficulty, and then he went on to explain, and now he is going on to explain about that same difficulty. That is my understanding of it.

COLONEL MEEK: There is one thing that is not clear to me. When Lieutenant Colonel Nakajima came to ask about the resumption of the plan, there has been no evidence about any resumption here.

GENERAL DONOVAN: Just a minute. The only reason we want to interrupt the testimony is to straignten out the meanings along the line, We do not want any cross examination

now. If it is a question of a meaning of something we will straighten it out, but we do not want to start any cross examination now.

Will you read Major Skeen's last question?

(Question read.)

THE WITNESS: Before I answer that question I want to state, I stated yesterday that there were three critical moments in my campaign in the Philippines, and I told of two moments yesterday, and this was the third.

Q (By Major Skeen) You mean the incident of Corregidor?

A Yes, the first landing of Corregidor.

Q Will you answer the original question now?

A Yes. It was in the morning of the 7th, the 7th of May.

Q What was the information contained in this report that you received on the 7th?

A The report I had was that General Wainwright came to the decision that he will surrender all of his troops under his command.

Q Did you ever see General Wainwright again?

A No, I did not see the general, but a copy of the radio broadcast which he made on the evening of the 7th from Manila was sent along to me on the afternoon of the 7th of May.

Q Did you ever visit Corregidor?

A Yes, I did.

Q Will you state when that was?

A It was at the end of May; I cannot recall the date.

Q Will you relate what took place on that visit?

GENERAL DONOVAN: We will have a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

MAJOR SKEEN: Will you read my last question?

(Question read.)

A I left the place just back of this building by boat, and about eleven o'clock landed at Corregidor. After seeing the airfield on Corregidor I went into the tunnel under Malinta Hill. At that time the majority of the prisoners already left. However, I saw the prisoners were walking outside of the tunnel, and I talked to them whenever I had a chance to go out of the car; especially I talked to quite a few at the entrance of Malinta Tunnel. I went around the hospital in the tunnel. There was an officer there. I did not recognize his rank, but somehow I thought he was a major in charge of the hospital. I do not know why, but I thought so at the time. He was standing by the bed, and I asked him if he had enough medicine. He said he had enough for the present. I told him that if he ran out of the supply of medicine he should let me know and I would do my best to supply more.

Q (By Major Skeen) Did you talk to him in English?

A Yes, I did, in English, but I wonder if he had known who I was then.

Q What was the apparent physical condition of the prisoners of war outside of the hospital, if you saw them?

A I thought then they were in fairly good physical condition. I went to the island next to Corregidor -- Caballo Island -- and I saw the prisoners there, too. They were physically in good condition.

Q Will you describe the conditions that you saw in the hospital?

A I do not know how many patients they had in the hospital at the time. They were all in beds, and most of them were either wounded or suffering from malaria.

Q Was the hospital obviously overcrowded?

A I did not think so.

Q Did you think that it was clean and in reasonably good condition?

A That was my impression, comparing it with what I saw in the hospitals of our Army.

Q Did you go around the hospital and take a good look at it?

A Yes, I did.

Q How many Japanese troops were on Corregidor at this time?

A About a battalion of infantry. I met the major, the commanding officer there.

Q What was the condition of the buildings on Corregidor?

A Owing to the prolonged bombing and artillery fire, there are very few buildings standing. All of them were destroyed.

Q Did you go to the 92nd Garage area?

A What?

Q Did you go to the 92nd Garage area?

GENERAL TRUDEAU: He does not know it by that name.

Q (By Major Skeen) Did you go to the area where the prisoners had been concentrated before leaving?

A There was an open place in the southeast of Malinta Tunnel where the prisoners were concentrated previously. I passed through that part, but the place was full of rifles and guns and machine guns. That is sort of -- well, it looked like a dump, like an ordnance dump.

GENERAL DONOVAN: A salvage dump.

Q (By Major Skeen) When did your headquarters move from Lamao to Manila?

A I moved my headquarters from Lamao to Manila on the 9th of May.

Q One more question on Corregidor before we go on. Did you give the order for the second landing of Japanese troops on Corregidor on the 6th of May?

A I thought I made myself clear on that point. When Colonel Nakajima came I gave my order.

Q Will you explain the court-martial organization and procedure in the 14th Army?

THE WITNESS: What is that question?

(Question read.)

A The court-martial is composed of more than three members, and usually it included one of the members of the Judge Advocate Department. It deals with the cases of Japanese soldiers and Japanese civilians in the Philippines.

Q (By Major Skeen) Do you know the approximate number of cases which were tried by court-martial during your stay in the Philippines?

A I believe there are more than a hundred cases tried by the court-martial during my time in the Philippines.

MAJOR SKEEN: Will you mark this?

(A book was marked Defense Exhibit I for identification.)

Q (By Major Skeen) I will show you a document that has been marked for identification as Defense Exhibit I and I will ask you to look at that and explain to the Commission what it is. You do not have to look at them if you are prepared to tell the Commission what that document contains.

A This book is a compilation of the reports of the cases tried by the courts-martial between January, 1942, to August of 1942, and this is a copy of the report sent to the Imperial Headquarters. I understand the original of the report is kept in the files of the Army Headquarters, and it was destroyed since, with other documents.

Q Are these copies of the reports which were sent to the Imperial Headquarters at the time the 14th Army was in the Philippines?

A Yes, it was.

Q Do you know how many, approximately how many cases are recorded in here?

COLONEL MEEK: Wait a minute.

At this time I would like to ask him some questions.

MAJOR SKEEN: It has not been offered into evidence as yet.

COLONEL MEEK: You are asking him how many it contains.

Q (By Major Skeen) Do you know how many recorded cases are in here?

A No, I do not. I would have to look at it more in detail.

Q This first section, will you explain what that is, the first section here which is clipped together?

A Up to this page it is a kind of index. The offense and verdict, the date given by the court-martial -- I mean, the date the verdict was given, the verdict, and the reason over here.

Q Does this section deal with the detailed proceedings of each case?

A Yes.

MAJOR SKEEN: I now offer into evidence the first section of this document which we have an approved translation of, listing in chronological order the cases tried between January 1st and August --

COLONEL MEEK: 18th of August, wasn't it?

MAJOR SKEEN: The most recent date in here is the 18th of August.

GENERAL DONOVAN: Has this been looked over by the Prosecution? Have you had an opportunity to see this?

COLONEL MEEK: Yes, sir.

GENERAL DONOVAN: Have you had an opportunity to see it? Do you object to the document?

COLONEL MEEK: At this time I would like to ask a question or two as to the document being offered.

GENERAL DONOVAN: That is all right.

Q (By Colonel Meek) Where has this been kept since it was compiled, if you know?

A Well, I see the "Oyama." Here is a stamp by the name of Oyama, and Oyama is the highest officer at the War Department, so I think it is kept at the War Department.

MAJOR SKEEN: If the Commission please, this document was brought back by Captain Coder on his return from Tokyo, and it was given to him by the Tokyo War Department.

COLONEL MEEK: I understood the document had been destroyed.

MAJOR SKEEN: The witness said the files of the 14th Army had been destroyed.

GENERAL DONOVAN: Anything further?

COLONEL MEEK: Is there any stamp on here to show that you approved any of these cases?

THE WITNESS: This is a copy.

COLONEL MEEK: A copy of your stamp?

THE WITNESS: This is only the copy.

COLONEL MEEK: Now, if the Court please, the exhibit that is being offered on the face of it there is something that has been stricken out, that has been x'd over with a

typewriter, and apparently it is not the --

GENERAL DONOVAN: Let's find out what it is.

MAJOR SKEEN: I will ask the interpreter to explain that.

GENERAL DONOVAN: It is the same as yesterday. I asked that you get together on these things ahead of time.

MAJOR SKEEN: I would like the interpreter to explain this.

INTERPRETER OGITA: The date on here was stricken out because it was not the translation which appeared on the book, and it stated what this document was, and at the time it was suggested to the Defense counsel that that data would be put on a separate sheet identifying this for his own benefit.

GENERAL DONOVAN: That is all right.

COLONEL MEEK: My next objection is on the last page. There are three entries in July, and the rest of the entries start with the 18th of August. I ask all of that be stricken from the exhibit.

MAJOR SKEEN: We only are offering those cases up to August 5, 1942.

GENERAL DONOVAN: Which part do you wish stricken?

COLONEL MEEK: I want all of the last page except the four lines. There are four for the 14th of July and the rest are the 18th of August.

MAJOR SKEEN: There are others interspersed on this page. Near the bottom of the page there are several dates in July. As a matter of fact, I think there are seven cases listed on this last page which are after the

5th of August.

GENERAL DONOVAN: Does that show when the case was tried?

MAJOR SKEEN: It shows the date of indictment and date of the verdict in separate columns.

GENERAL DONOVAN: The Commission will take notice of those cases tried after General Homma's time with the 14th Army.

Do you have any further objections to it, Colonel Meek?

COLONEL MEEK: No.

GENERAL DONOVAN: The exhibit is accepted for any probative value it may offer.

MAJOR SKEEN: I would like to withdraw this and substitute a copy.

GENERAL DONOVAN: In connection with exhibits, there is no objection to either side pointing out the things they are objecting to. What I want to do is to get some of these things ironed out.

COLONEL MEEK: I have tried to do that, and counsel and I have been unable to agree with any of that. It has to be brought into court. That is the only way it can be settled.

GENERAL DONOVAN: All right.

MAJOR SKEEN: In view of Prosecution's remarks, we were not approached in any way in regards to this discussion.

(Defense Exhibit I for identification was received in evidence.)

GENERAL DONOVAN: Let's go on to the next question.

Q (By Major Skeen) Were reports of the cases tried in the 14th Army by courts-martial sent to anyone other than the Imperial Headquarters?

A Yes, I think I know. In the cases of rape I ordered the copies of those reports sent to the families of the offenders.

Q Was this a usual practice in the Japanese Army?

A No, it was not. It is entirely my own idea.

Q Why did you have copies sent to the families of the offenders?

A I was particular about rape. I gave instructions before I came to the Philippines to write the families of the offenders, as a severe punishment is given for this offense.

Q Do you know whether this practice was continued after you left the Philippines?

A I do not think so.

Q Do you know whether every reported case of misbehavior on the part of the Japanese troops was investigated by some officer of your army?

A Each case was investigated by the members of the Judge Advocate Department and Military Police.

Q Do you know whether junior officers were aware of your policy concerning disciplinary action against the troops?

A Yes, I believe they were aware. As I told the commanders of the units at every opportunity to set examples by punishment of the offenders.

Q Do you know of any cases where unit commanders attempted to prevent punishment of any of their soldiers?

A There might have been many occasions, but I recall one instance. There was a unit of engineers under the command of Colonel Shiraki, and a number of the enlisted men in that unit were charged with rape. I do not remember the number. It was brought to light. Colonel Shiraki pleaded with the army headquarters to let them go, as he was going to send them along the battle front in Bataan the next day so that they might meet the honorable death of soldiers; but it was not allowed and they were tried by court martial.

Q In view of these facts, do you now believe that junior officers under your command would be afraid to report cases of serious misbehavior on the part of their own troops for fear of receiving punishment themselves?

A I didn't think of that at that time, but it was possible.

Q Were small unit officers themselves frequently disciplined if they failed to report cases of misbehavior of their troops?

A Yes, they were disciplined.

GENERAL DONOVAN: I would like to ask the witness a question before we take a recess in connection with this exhibit. Have him explain what "Detention Period" means, that column. I don't want you to explain; have him explain.

Q (By Major Skeen) Will you explain to the Commission what "Detention Period" means when they list it here?

A May I have a look at the original?

MAJOR SKEEN: Yes.

(Document handed to witness.)

THE WITNESS: He was in custody before the verdict was given; the period of custody.

GENERAL DONOVAN: Before or after the verdict was given?

Q (By Major Skeen) Is it the period between the arrest and the time of verdict?

A That is what I mean, kept in custody before the verdict was given.

GENERAL DONOVAN: The entire time?

THE WITNESS: Yes.

Q (By Major Skeen) Is that what it means, the time from the arrest to the giving of the verdict?

A Yes.

GENERAL DONOVAN: The point I am trying to make is this: If the sentence is listed as 10 years in that column under "Sentence" it could be construed that the man only served ten days under the column "Detention Period." The natural assumption is that it is prior to the verdict.

MAJOR SKEEN: The witness has stated, sir, the detention period is the period prior to the verdict.

GENERAL DONOVAN: In the column showing how long the sentence was, length of time until sentence was executed, except that under a sentence of ten months as shown in the first column, he may serve ten months or a lesser time.

MAJOR SKEEN: I suppose that is it, sir.

GENERAL TRUDEAU: Isn't it the period between the arrest and date of indictment instead of the date of the verdict?

GENERAL DONOVAN: We will have a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

MAJOR SKEEN: We would like to have that last question and answer in Japanese.

GENERAL DONOVAN: It is all right.

Read the question, please.

(Question read.)

GENERAL DONOVAN: Is that the question?

MAJOR SKEEN: Yes.

THE WITNESS: (Through Interpreter Onodera) I got all confused, but this word "detention" means that it covers the period from the day he is arrested, officially arrested, until the day the offender is officially indicted. The period from the date of indictment to the verdict, a period in which the prisoner may be detained, will be included in the sentence. This report is a report which states the verdict given and the sentence meted out, and it is not a report stating the punishment which was actually carried out to the end.

INTERPRETER ONODERA: That may not sound correct, sir.

GENERAL DONOVAN: I have something on this subject when you get through.

MAJOR SKEEN: Is that all of the answer?

GENERAL DONOVAN: The last part of that is really the part that the Commission is interested in, not the

sentence but what really happened to the man. How long of the sentence did he serve? Does this document show any part of that, the detailed description of the case?

In other words, a man may be sentenced to 10 years and serve only 10 days. What we want to find out is how much time he served.

MAJOR SKEEN: I do not believe this document shows that.

GENERAL DONOVAN: Make this book available to the interpreter section and have them run down some 15 cases to see if we can find out what this is all about. There is another thing that I would like to call your attention to on page 2.

"18 March 1942, desertion in time of war. Sentence: 6 months confinement."

I would like for you to run that down in detail.

Colonel Meek, do you have that?

COLONEL MEEK: Yes, sir.

MAJOR SKEEN: You want the interpreters to do that?

GENERAL DONOVAN: Yes; and I will see Major Pratt about the others. Have him see me at noon.

Do you want to ask some questions on this?

GENERAL GARD: Yes. I would like to ask this question of the witness: Did you prescribe the maximum sentence which could be given for crimes against civilians, Filipino civilians or civilians in the Philippines?

GENERAL DONOVAN: He can give that answer in English now.

MAJOR SKEEN: Do you want to answer that question in

English.

GENERAL DONOVAN: Well, let's let that question go until we get to the cross examination.

GENERAL TRUDEAU: At the head of this report it says "Watari Unit." Does that cover all the cases in the 14th Army, or was the Watari unit only a part of the 14th Army and does it only cover that?

THE WITNESS: The whole unit, all units under the command of the 14th Army.

GENERAL TRUDEAU: In connection with the sentence that has been given a soldier, is there any limit on the amount of time he can be given for good behavior? In other words, does he have to serve a half of that sentence or any part of it, or can you reprieve the entire sentence and parole him?

THE WITNESS: They are not given such a period.

GENERAL DONOVAN: In order to understand this, and for this exhibit to be of any value at all, certain parts of it will have to be straightened out. Certain questions will have to be answered. We cannot understand it.

MAJOR SKEEN: Those questions can be answered, sir.

Do you want to leave any further questioning on this for cross examination?

GENERAL DONOVAN: Yes.

COLONEL MEEK: If the Commission please, while the interpreter section is investigating this, may they also take the last one on the page which refers to "accidental homicide while on his duty"? I would like to have that one looked into.

GENERAL DONOVAN: What page is that?

COLONEL MEEK: The very last item on the page. I call your attention to that because the date of the indictment is the 31st of July, while the date of the trial was the 18th of August.

GENERAL DONOVAN: All right. Let's go from this exhibit now, and confine the rest of it to the cross examination phase.

MAJOR SKEEN: I would like to go back to the last question and answer before we get too involved in this.

GENERAL DONOVAN: Get the other reporter.

Q (By Major Skeen) You stated that you had authority to discipline officers within your command. Will you explain the extent of that authority?

A What is that?

(Question read.)

THE WITNESS: I can discipline any officers under my command.

Q (By Major Skeen) What can that discipline consist of?

A There are two kinds of discipline. One is court martial. The other is a lighter kind of punishment, confinement to the quarters, together with cutting down his pay.

GENERAL DONOVAN: The reporter is here. Let's get through with this other part right now.

MAJOR SKEEN: I do not believe I need that now, sir.

GENERAL DONOVAN: All right, proceed.

Q (By Major Skeen) Do you recall any instances in which you disciplined any high-ranking officers in your

army?

A Yes, I did. I did to Chief of Staff, General Wachi, and Chief of the Ordnance Department, General Okubo, and Colonel Ushiyama, and there were others.

Q Will you explain the organization and jurisdiction of the military tribunal as it was set up in the Philippines?

A The military tribunal is composed in almost a similar manner to the court martial, but these were civilians other than Japanese residents in the Philippines. Members of the Judge Advocate are not necessarily included.

Q Who set up rules and regulations for the military tribunals?

A Army headquarters.

Q Who had the authority to appoint military tribunals?

A Army commander -- I mean the commander-in-chief and his representatives. In isolated cases, commanders above independent brigades. In case of the Director of Military Administration, when he was placed under orders of the Southern Army Headquarters, in full charge of the Military Administration -- since February of 1942 -- authority was given to him and the order from the Southern Army carries with it the authority to appoint the military tribunal.

Q Who had authority to appoint courts-martial?

A The commander-in-chief of the army and his representatives and the commander of the independent brigades or higher in isolated cases.

GENERAL DONOVAN: Straighten out "representatives," Major Skeen.

Q (By Major Skeen) When you say that the commander-in-

chief or his representatives have authority to appoint a court-martial, what do you mean by representatives?

A The representative means the person who is given, who is ordered by the commander-in-chief about the authority. The person is given the authority by the commander-in-chief is what I mean.

Q What classes of persons were subject to the jurisdiction of a military tribunal?

A Any persons like a civilian other than the Japanese in the Philippines.

COLONEL MEEK: Will you read that?

(Answer read.)

Q (By Major Skeen) Were records kept of the proceedings of military tribunals?

A I think they were.

Q Did you see, in the course of your duties, all reports of courts-martial and military tribunals?

A No, I did not.

Q Why not?

A It was impossible for me to see so many reports.

Q Do you know whether a death sentence imposed by military tribunal had to be approved by some higher authority before it could be put into effect?

A No, it was not set in that way.

Q Who approved the sentence of a military tribunal?

A The person who appointed the military tribunal.

Q Did you ever approve any sentence of a military tribunal?

A No, I did not.

Q How were matters of that kind handled in your headquarters?

A The head of the Judge Advocate Department saw to it and reported to the chief of staff.

Q Did the Director of Military Administration approve sentences of military tribunals?

A Did he?

Q Did the Director of Military Administration approve sentences of military tribunals?

A He could, yes.

Q Did he approve such sentences?

A It was not brought to my notice, or I do not know.

Q Did the organization of the 14th Army include personnel for the administration of prisoner of war camps?

A There were no such personnel attached to the 14th Army, and at the time of the surrender of Bataan instructions came from Tokyo that concentration camps would be included into the order of battle of the 14th Army -- when I use this word "concentration camp", that means it became a unit handling, handling prisoners of war, and prisoners of war until such time -- until such time no personnel were provided. Tokyo considered that there was no basis to provide personnel until such time -- with personnel or food or medicine, and I repeated the request to fill the requisition made to the Southern Army Headquarters and Tokyo for the personnel and the food and medical supplies, but very little of them were forthcoming. So I sent General Wachi, the chief of my staff, to Tokyo, to speed up the matters, and he explained the situation in the

Philippines. As a result of his going to Tokyo, a certain number of personnel arrived in the Philippines sometime in July.

Q Is that all of the answer?

A Yes.

MAJOR SKEEN: May we have that read back?

(Answer read.)

Q (By Major Skeen) What do you mean by "order of battle"?

A Order of battle means the official and permanent organization of the 14th Army.

Q Prior to July 1st where did you get the personnel to care for prisoners of war?

A I put the personnel to the position of handling the prisoners of war among officers and men which we had in the army.

Q Did you ever personally inspect any of the prisoner of war camps?

A I did not.

Q Will you explain the system used for administering these camps prior to the 1st of August?

A The machinery of the army headquarters is set to work automatically. Officers either on the staff or the other departments discharge their duties on their own initiative. They go and see the camps always -- strike the "always," please -- on their own initiatives. When they wanted to go inspect anywhere they came forth to ask me. I intended to visit those camps, but I was called back to Tokyo very much sooner than I expected, and I

thought plenty of times to go, but I did not find a chance. Then although there were three months between the time I came back to Manila until the time I left Manila I had only two months of working days.

COLONEL MEEK: Pardon me, but can I have the whole answer read back?

(Answer read.)

Q (By Major Skeen) What was the nature of the report you received from your staff officers concerning prisoners of war camps?

A I received the report of the prisoners of war not only from staff officers, but from the other officers. When I came back to Manila in May Major General Kawane came to report to me the prisoners of war were in very bad physical condition and the death rate was large, and explained that the cause of the deaths was mostly malaria and malnutrition, and he reported the difficulty in getting the food supply and medicine, and he was trying to get medicines from the drug stores or pharmacies in Manila and the report from the other officers said that those doctors in the USAFFE were picked out to look after the patients, and Filipino Red Cross and doctors from the general hospitals were helping them, and they were trying to overcome the difficulties and to improve the conditions of the camps.

Q Were these reports made orally or in writing?

A They were always orally. When I said all those things it was not all at one time, but they came in when they had something to report about the camps; they came to report to that effect.

Q Did you ever receive a report in writing concerning conditions in any prisoner of war camps?

A They should have come to my headquarters, although I did not see them.

Q Now, were you confident, in your talks with your staff officers concerning these conditions in prisoner of war camps, that your officers were doing everything in their

power to alleviate the conditions?

A That was my impression at the time. Now I come to know the many things since I came here, I am not so sure about it.

Q Did the reports that you received indicate that conditions were improving in the prisoner of war camps?

A Yes, the reports I had indicated the gradual improvement, and death rates were dropping gradually, and sometime in July it dropped a great deal, compared with May and June.

Q Did you personally give any thought to solving the problems involved in caring for prisoners of war?

A I knew that because a requisition was sent to the Southern Army Headquarters and Tokyo and the reply was always the same. I knew what that would mean after study. So the repetition of the requisition wouldn't help a great deal to ameliorate it. The situation was still repeated. This was a serious matter, so I was thinking all the time what to do to solve this question, and finally I came to the conclusion the best thing to be done under the circumstances was to release the prisoners.

Q What steps were necessary before any prisoners of war could be released?

A We must ask the permission of the Imperial GHQ.

Q Did you ask such permission?

A I did.

Q Was this permission granted by this Imperial Headquarters?

A It was granted finally sometime in June, but prior to that time I released some of the prisoners personally, on

my own responsibility.

Q Did you receive any reports from any of your staff officers to the effect that the release of these prisoners helped to solve the problem?

A At first it did not have much effect, because those released were not a great number. We could not release those persons who had no family or no relatives to take care of them, so the persons who were released at the beginning were only persons who came from Luzon, but when a great number were released it was reported it eased the condition very much.

GENERAL DONOVAN: We will have a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution is present and we are ready to proceed.

Q (By Major Skeen) Was Nichols Field ever used by the Army as an air base?

A Nichols Field was never used by the Army forces. There are two fields around Manila: Nichols Field and Nielsen Field. And we used Nielsen and the Navy used Nichols Field. Those two fields were used for aerial transportation between Manila and Japan.

Q Were there any Army installations at all at Nichols Field?

A No, there were no installations at Nichols Field; it belonged to the Navy.

Q Did you ever visit Santo Tomas University?

A It can't be called a visit, but I went to Santo Tomas sort of accidentally, an accidental visit; one day when I found spare time at the headquarters I went there just to drop in, but I did not go inside, as my going was not forewarned.

COLONEL MEEK: May I have the answer read?

(Question and answer read.)

Q (By Major Skeen) Did you see the place from the street?

A I saw it from the gate.

Q What were the conditions existing there as you observed them at the time?

A I saw many people on the other side of the garden sitting and reading and talking, and some youngsters and children were playing around in the garden.

Q Did you talk to any Japanese officers on that visit?

A No, I did not.

Q Will you state the date, if you can recall, when you were at Santo Tomas?

A I cannot recall the date, but it was sometime in June.

Q I show you what has been marked Defense L and K for identification, and ask you what these are?

A Those are the pictures appearing in the Sunday Tribune July 12th.

Q Of what year?

A 1942.

Q Now, I direct your attention to the picture at the top of Exhibit K and ask you, is that representative of the

scene which you saw at Santo Tomas on the day that you stopped there?

A It was not exactly like that, but it is similar to this scene on the picture.

MAJOR SKEEN: I offer Exhibits K and L.

GENERAL TRUDEAU: Did we skip J? I is the report of court-martials.

MAJOR SKEEN: I don't know whether it should be, but J is scratched off the list.

May the record show these are J and K?

COLONEL MEEK: I have no objection. I do want to call, at this time, the Commission's particular attention to Exhibit J, the small print which says "Photos taken by Japanese Propaganda Corps."

GENERAL DONOVAN: It will be accepted.

(The photographs referred to were received in evidence and marked Defense Exhibits J and K.)

Q (By Major Skeen) Were you ever at Santo Tomas again?

A No, that was the first and last visit I had.

Q Will you tell the Commission your impression of the way Santo Tomas was administered?

A When I saw the scene in the compound of Santo Tomas it was identical to the report I had up to that time from the official in charge of the internee camp, so I came back satisfied. I had many reports concerning the Santo Tomas Camp from Consul General Tsurumi, who was in charge of Santo Tomas. The first report I had was at San Fernando. He explained the Santo Tomas Camp was set up on the principle of self-rule.

They elected committees among themselves and they led their lives inside of their camp in their own way. They bought their own food on their own expenses, on their own request, and he said that that is their request. So before I left Formosa for the Philippines I gave instructions concerning the treatment of civilians, all civilians; no sudden change of daily life should be given, and all the civilians, I mean the civilians of all nationalities, should be treated in a gentle manner.

From Mr. Tsurumi I understand the American and British who were residents in Manila don't like our Army rations. The Army rations are so frugal and simple. If I am given the choice I would not like to have it myself, so why should you force it on the American and the British people.

So those committees were allowed to go out shopping for food and medical supplies. That is in accordance with the instructions I gave before I came to the Philippines.

MAJOR SKEEN: May we have that read?

(Answer read.)

THE WITNESS: I want to add a few words.

All the reports I had concerning the internees' life are very satisfactory, and I was told the internees appreciated it. So I was never worried about the life in Santo Tomas Camp.

Q (By Major Skeen) When did you first hear that the Americans were dissatisfied with the treatment, with the treatment being accorded them at Santo Tomas?

A That is what I mean.

Q No. When did you first hear that they were

dissatisfied?

A When Mr. Tsurumi came to me at San Fernando he said that, and later he repeated the same thing.

Q I do not believe you got the question. I asked you when did you first hear that the Americans were not satisfied at Santo Tomas with the treatment that they were receiving?

A I first heard of it when I came here and saw the charge against me about that.

Q Will you describe the normal Japanese Army ration?

A The Army ration is composed of boiled rice, sometimes some wheat mixed in it, and pickled plums or pickled radishes and bean paste soup; a bit of vegetables, and now and then fish. Meat once in awhile, and sweets and fruits only given on special occasions.

Q How did this ration compare with the Japanese civilians, with what they were having here at the same time?

A They were having very much better food than the Army ration.

Q Do you know what the ration was that was provided to the prisoners of war on the march from Bataan to San Fernando?

A I expect it was sort of emergency rations, or -- cut that out -- as they didn't have enough collection of rice, accumulation of rice, they might have given rice gruel.

COLONEL MEEK: May I have that answer read?

GENERAL DONOVAN: We will get it when we are through.

Q (By Major Skeen) Do you know of any general officers who inspected the march of the prisoners?

A General officers?

Q Yes.

A General Wachi and General Okubo.

Q Do you know any general officers who inspected any prisoner of war camps?

A Yes; I sent General Wachi before I went to Tokyo, and General Morimoto went to Cabanatuan.

Q Did you receive any reports from General Morimoto regarding his inspections?

A I did not. It was after I received my first order to be called back to Tokyo. I could not bring myself to show myself at headquarters; I did not go to headquarters, so it must have been made to headquarters.

Q On what date did General Morimoto make this inspection of Cabanatuan?

A Sometime at the end of July.

Q Do you know of any instructions that were issued by your headquarters to the effect that prisoners were to be considered as captives, rather than prisoners of war?

A No such orders were given anywhere.

Q Could you say that the instructions which were issued as to treatment of prisoners were in accordance with international law?

A Yes, that was laid down in the regulation for the prisoners of war in the treatment of the prisoners of war.

Q Do you recall any orders to the effect that a number of prisoners would be shot for the escape of any prisoner?

A Certainly not.

Q Do you know of any such order ever having been issued?

A Not that I know of.

Q Do you have any idea why such orders might have been issued in any prisoner of war camp?

A I cannot explain why, but I imagine the camp commandant might have given such orders to serve as a warning to the prisoners of war who might try to escape.

Q Now, after you moved your headquarters to Manila did you became acquainted with any Filipinos in the civil government?

A Yes, I met members of the Executive Commission.

Q How often did you come in contact with these people?

A Not very often, but I should say I met all of them six or seven times.

Q Can you name some of those people whom you met?

A Mr. Jorge Vargas, Doctor Jose Laurel, Mr. Benigno Aquino -- I don't know the Christian names of the other members. Yes; Mr. Jose Yulo, Mr. Alunan, Mr. Arranz, Mr Recto, and General Aguinaldo, and there were others.

Q Were all of these people members of the Executive Committee?

A Yes, they were, except General Aguinaldo.

Q Did you come to know any of them intimately?

A Yes, I did come to know Mr. Vargas and Doctor Laurel rather intimately.

Q Did you know many of these people socially? Did you know any of these people socially?

A I did not go out to any social functions, but twice I went to the Malacanan Palace to the parties sponsored by the Executive Commission, and I asked some of them to my

house.

Q Did any of these people ever mention to you any cases of misbehavior on the part of the Japanese soldiers?

A I did not hear anything on that subject from those members of the Executive Commission.

Q Did they ever tell you of any mistreatment of Filipinos by Japanese?

A They did not.

Q Would you say that they had opportunities to report such things to you?

A I am sure they had plenty of opportunity if they wanted to tell me about it, and if they did not want to tell me personally they could communicate with me through the officers, the Japanese officers attached to their department, or the two advisers to the Military Administration who were rather intimate with those members of the Commission, and they could tell me through those advisers.

Q When did you first hear that Justice Santos had been executed?

A It was sometime in the beginning of July.

Q How did you hear about it?

A It was not through the official channels. I could not recall who was an informant -- Filipino or Japanese -- but it was a civilian. It was either at my headquarters or in this building where I was living.

Q Will you explain all that you know concerning the execution of Mr. Santos?

A A few days after the surrender of Bataan, while I was at Balanga, General Hayashi, together with many visitors,

came to congratulate me on the battle of Bataan. On that occasion Hayashi mentioned that Mr. Santos was found in Cebu. So I told him to take care of him and nothing should happen to him. I told him the reason. I never heard his name before -- I mean before I came to the Philippines -- the fact that he was chosen by the President to accompany him to Corregidor must be that he is the highest figure in the Philippine politics. So I hoped he might some day take part in the administration of the Philippines. So I expressly told him so. So I did not expect anything might happen to him.

Since that time I forgot all about Mr. Santos. I trusted General Hayashi would see to the matter.

Then in the beginning of July I told some people, some civilians who came to tell me about his execution, I was very much surprised, and I was furious about it, because my instructions were not observed.

By that time Hayashi was not here. So I told General Wachi, who became the Director of Military Administration, there was a certain other person, important person, and the same error should not be repeated. So at the same time I ordered him to start an investigation, but as I told you, I was called back to Tokyo. I told the matter to General Tanaka when he arrived, my successor.

GENERAL DONOVAN: Will you read that last question and answer back?

(Question and answer read.)

GENERAL DONOVAN: We will recess at this time until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 6 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours, 6 February 1946)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

MASAHARU HOMMA

the Accused, a witness in his own behalf, having been previously sworn, was examined and testified further as follows:

DIRECT EXAMINATION (Resumed)

Q (By Major Skeen) When did you first hear of the execution of the Chinese Consul General?

A It was in the middle of October, last year, when I was in the Omori prisoner camp and Mr. Murata, ex-ambassador to Manila, who was with me in the camp, asked me whether I knew the Chinese Consul General was executed. I was surprised to hear the news, as it was the first time I have heard anything of the incident, so I asked him for the details and how he got to know it, but he could not give me the details.

Q Where were you at the time of the execution of the Chinese Consul?

A I was at Balanga.

Q Was that on April 17th, 1942?

A Yes.

Q When did you first hear of the march of the prisoners of war from Bataan to San Fernando, referred to as the

Death March?

A It was on the morning of the 15th of September, last year. I came up from my mother's place to Tokyo to surrender myself to the American press people. Three of them came to interview me before I went to Yokohama and asked me do I know that I was accused of the so-called Death March of Bataan. It was the first time I heard the words. I could not understand, so I turned to the interpreter and asked what does that mean. Those press people saw that I could not understand and they explained to me what it meant.

MAJOR SKEEN: You may cross examine.

CROSS EXAMINATION

Q (By Colonel Meek) I believe that you have testified that you have been in the Japanese Army for 38 years.

A Yes.

Q And you have testified as to where you were during a lot of the period of your military service, is that right?

A Yes.

Q On or about June 21 of 1938, you commanded the 27th Division of the Japanese Imperial Army?

A June?

Q June 21, 1938.

A No.

Q I will ask you this way, then: The 27th Division was included in the order of battle of the 11th Army on the 15th of July, 1938, was it not?

A July?

Q Yes.

A Yes.

Q And your division participated --

GENERAL DONOVAN: Colonel Meek, he had something else to say.

COLONEL MEEK: You had something else to add to that?

THE WITNESS: June -- July -- I arrived to take my post as commander of the 27th Division a bit later than the 23rd of July; a few days later than that.

Q (By Colonel Meek) You participated in the Hangkow-Woochang operation, did you not?

A Yes, sir.

Q That was in the late summer of '38?

A Yes, it was.

Q And your division in that operation fought its way along the Kiukian-Juichang-Jokei-Hsingtanpu-Sienning-Tsungyang-Tungcheng road?

A I cannot say because we call the names in our own way, and those names are pronounced in a Chinese way. I cannot say.

Q How long did that operation last?

A Until November of the same year.

Q That was a successful operation?

A Well, do you mean by myself?

Q As far as your forces were concerned -- as far as the Japanese Army was concerned it was a successful operation, was it not?

A Yes, it was.

Q What did your division do in that campaign?

A I fought on the southern bank of the Yangtse River.

Q Then along the latter part of November 1938 you took over the occupation, did you not of the North China area?

A It was not in November, but in the end of December we came back to North China from where we were sent out.

Q What I am getting at is, didn't you take over -- strike that.

Weren't you in command of the troops who took over the segregation of the English and French concessions in the Tientsin area?

MAJOR SKEEN: If the Commission please, I object to questioning on ventures which occurred long before the period of the charge. If he is going to be examined on this, it is going to be necessary to bring in other witnesses on behalf of the Defense. Anything that the Prosecution is seeking to show --

GENERAL DONOVAN: The witness may answer the question.

THE WITNESS: Yes, I came back to Tientsin.

Q (By Colonel Meek) What were your duties at Tientsin?

A Garrison duty for the eastern half of Hopei Province.

Q What I am getting at, trying to get at at this time, didn't you have the duty of segregation of the English and the French concessions in that area?

A Yes, I had that order.

Q And the internment of civilian French and English, is that not true?

A No such thing happened.

Q Did you have to intern any of them?

A No, I did not.

Q Did you establish a blockade of the British municipal area during that operation?

A The blockade was started by the commander of the division I succeeded, and when I came into that area I stopped it for a certain time, and then I got orders from Peking to resume the blockade. Blockade is not a suitable word.

INTERPRETER ONODERA: It means there is a station or gate or something along that line placed there to question and examine incoming and outgoing personnel, or anything else that may travel through there.

GENERAL DONOVAN: Speak over the microphone and a little louder.

Q (By Colonel Meek) That included the British and French who were traveling through there?

A Well, the main object was the Chinese.

Q Was there any incident at that time involving indignities -- during the blockade were there any indignities suffered by the British such as strippings and other indignities committed by the Japanese troops?

A I knew there were some exaggerated reports, but I do not think there had been any serious incident.

Q Were those reports of incidents committed by members of your command?

A I said there was no such thing - serious incident.

Q You had it investigated?

A No such thing happened.

Q Did you have to intern any of them?

A No, I did not.

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Q Were those reports of incidents committed by members of your command?

A I said there was no such thing - serious incident.

Q You had it investigated?

A Well, no incidents were reported to me.

Q Now, you were called from Formosa to Tokyo in the middle of November, 1941, and at that time you received your orders for the invasion of the Philippine Islands?

A No, it was not an order for the invasion of the Philippine Islands.

Q What was it?

A That was an order for the preparation.

Q An order for preparation for the invasion?

A Yes.

Q At that time you were told that when the invasion took place that you would command the troops on the invasion, were you not?

A We were not told when, but the order I had was to complete the preparation until the end of November.

Q I know, but what I am getting at, did they tell you at that meeting in Tokyo that when the invasion actually took place you would be in command of the troops on the invasion?

A Oh, I see.

Q Did they?

A Yes.

Q Where did that meeting take place in Tokyo?

A When?

Q Where?

A At General Staff.

Q General Staff?

A Yes.

Q That is the War Ministry, is it not?

A No. General Staff and War Ministry are different things.

Q Who controls the General Staff?

A Chief of the General Staff.

Q Who was that at that time?

A General Sugiyama.

Q What was Tojo's position at that time?

A He was the Prime Minister, concurrently Minister of War.

Q The Chief of Staff was directly under him, is that true?

A Well, I must explain.

Q I wish you would.

A In the Japanese Army the Chief of the General Staff and Minister of War and Chief of the Training Department, those three come directly under the Emperor, and neither under the War Department nor the General Staff were included in either of the departments. Those three hold the same status.

GENERAL DONOVAN: I would like to have the last two questions and answers read.

(Record read.)

Q (By Colonel Meek) Let me put it this way: Did Tojo as Minister of War know that you had been selected for the invasion of the Philippines, to your knowledge?

A The selection of the commander-in-chief of the army was in the hands of the Chief of the General Staff.

Q I understand that from your explanation. What I want to know, do you know whether or not Tojo, as Minister

of War, knew that you had been selected for the invasion of the Philippines?

A Before my appointment you mean?

Q Yes, any time that you were in Tokyo and this meeting that you had there?

A He knew.

Q He knew?

A Yes.

Q Did he oppose it?

A Well, I don't know because I was simply appointed and I went to Tokyo, and I didn't make inquiry about that.

Q He would know as Minister of War, and as Premier of the Imperial Japanese Government Tojo would naturally know that you were appointed to the invasion of the Philippines, would he not, and he would be in a position to stop your appointment had he so desired?

A Well, as I explained, the Chief of the General Staff is an independent position on that question. He was directly under the Emperor.

Q I understand that; and Tojo was directly under the Emperor, and he was also the Premier, and he was also Chief of the War Ministry. I am asking you now if he could have or if he did use his influence to keep you from the command of the important invasion of the Philipine Islands by the Japanese Army?

A Well, Chief of the General Staff, Field Marshal Sugiyama, was very much senior to General Tojo, and if he selected anyone I doubt whether he would accept interference from the Minister of War.

Q Prior to your invasion of the Philippines you had quite a distinguished record as a field commander, had you not?

A Well, I cannot answer to that question from my mouth; but I was the senior Lieutenant General at the time, and I was on the spot in Formosa. Besides in the eyes of the public I believe I might have been considered the suitable man for the job.

Q Did you have anything to do with the selection of any of your staff officers in the formation of the 14th Army?

A As I stated yesterday, I was almost the last man who was chosen.

Q Did you have anything to do with the selection of, or did you request Lieutenant Colonel Ohta, to serve in your command in the Philippine Islands?

A Previous to the formation of the 14th Army, that is, before the war, I asked the Chief of the Military Police once; I wanted to have him in Formosa.

Q And you got him, didn't you?

A Well, on that new organization of the 14th Army, I did not make any request.

Q You knew Ohta, and had confidence in him?

A I believed in him.

Q Did you believe in him all the time you were in command in the Philippines?

A Well, I had not very much to do with him while I was here. I could not say.

Q Did you have anything to do with the selection of General Wachi?

A No, that appointment was suddenly made. I had no knowledge of his coming.

Q Now, taking you back to 1941 and 1942, disregarding, if you can, the evidence that has been here, during the time these staff officers served with you did you believe that they were loyal to you?

(Question read.)

A I thought I did.

Q (By Colonel Meek) I understand your testimony to be that in the 14th Army you could not even remove a company commander.

A "Remove" is a bit of a misleading word for --

Q Well, explain it.

A (Continuing) -- for our mind. "Removal" means to us removal out of the command, or dismissed from the service. I cannot remove -- I mean, change the post of the company commander out of the unit, his unit; if he belongs to a certain regiment, I cannot take him out without approval of the headquarters, GHQ.

Q By way of explanation, do you mean that if you had a captain in command of Company A in the 16th Regiment --

A Yes.

Q (Continuing) -- you couldn't transfer him to Company B of the 16th Regiment?

A Oh, that is feasible.

Q But you couldn't transfer him out of the regiment?

A That is right.

Q He has to stay in the 16th Regiment as a captain, in command of a company?

A No.

Q You can take him out of command of his company?

A No, I cannot do that. He was gazetted as a company commander of a certain regiment, so I can move the company which he commands from A to B, but I cannot take him out of that unit.

Q Now, you appointed Captain Tsuneyoshi, didn't you, in command of Camp O'Donnell?

A I did not.

Q Who did?

A Major General Kawane.

Q Who?

A Major General Kawane.

Q He was under your command, was he not?

A Who?

Q Major General Kawane was under your command?

A Yes.

Q Then he was appointed by your authority?

A Well, I shouldn't say so, because General Kawane had many officers under him, and he is free to choose any one of them from the officers under his command.

Q Well, who could remove him once he had been appointed on the job?

A Well, the officer who appointed him.

Q That would be General Kawane?

A Yes.

Q That could be done by General Kawane if you had ordered General Kawane to do it, could it not?

A Yes.

Q And would have had to have been done, isn't that right?

A If I saw him unfit to the post, I can tell to General Kawane that that man should be changed.

Q And he would have to do it?

A Yes.

Q Now, as I got your testimony yesterday -- and you didn't explain it -- you said that the commander-in-chief was only a "figurehead," or so I understood you.

A Well, that was -- I was afraid to be misunderstood. Those who are familiar with the ways of our Army, they understand it; but those who are not, it was liable to be misunderstood.

Q Well, can you explain it a little bit to us?

A As I stated, the machinery of the headquarters works automatically, and staff officers discharge their duties on their own initiative. And I also stated that the commander-in-chief refrains himself from interfering with the work of subordinate officers, and always tries to encourage the initiative on the part of his staff officers. So it appears to those who are not too familiar with our Army's method -- it may appear he was a figurehead. That is what I meant.

Q As commander-in-chief, you informed each of your staff officers, and those who were heads of departments in the 14th Army, what your policies were concerning the activities in which they were engaged, did you not?

(Translated to the witness by Lieutenant Onodera.)

A Not to each of them.

GENERAL DONOVAN: There will be a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: I would like to ask, Colonel Meek, that you try to make your questions a little bit shorter.

We will save a lot of time.

COLONEL MEEK: May I have the last question and answer read?

(Question and answer read.)

Q (By Colonel Meek) You testified yesterday that the commander-in-chief only hears of the important matters?

A Yes.

GENERAL DONOVAN: Break those questions down a little bit. If you want to get two answers, it is all right.

Q (By Colonel Meek) Did you consider the treatment of prisoners of war an important matter?

A It was one of the important matters.

Q One of the important matters. Were you kept advised as to the treatment of prisoners of war?

(Translated to the witness by Lieutenant Onodera.)

A The chief of staff is a sort of filtration as far as those reports are concerned, the whole reports coming through him; and when he thinks I must know, he brings the report to me.

Q (By Colonel Meek) Was it reported to you, after the surrender on Bataan, of the malaria condition of the captured prisoners of war?

A While I was in Bataan I was not very much informed of the prisoners of war.

Q You were not informed at all of them, during the evacuation?

A Well, as I stated this morning, those officers who saw the march reported to the chief of staff, and the chief of staff reported to me occasionally.

Q You know that you had 70,000 prisoners of war at the fall of Bataan, didn't you?

A Yes.

Q You knew that you had issued an order for them to march from Balanga to San Fernando, a distance of about how many kilometers?

A 35 kilometers.

Q How much?

A Thirty-five.

Q From Balanga to San Fernando?

A Yes.

Q What was the longest distance that most of the prisoners were going to march?

A I was given to understand that it was less than 15 kilometers.

Q I mean the entire distance, from where they were taken prisoner up to San Fernando; what was the longest distance?

(Translated to the witness by Lieutenant Onodera.)

A Well, most of the prisoners were in the area in the first line of resistance, as I stated yesterday; all the prisoners were in the line between Pilar and Bagac.

Q (By Colonel Meek) Did you make an inquiry as to the physical condition of the prisoners of war? Did you make any inquiry as to the physical condition of the prisoners of war?

A I did not.

Q The surrender of General King -- was that an important matter?

A Yes, that was a very important matter.

Q That was a very important matter?

A Yes.

Q What information was given to you regarding that?

A Do you mean by --

Q Yes, by the staff officer that you sent.

A Of General King himself?

Q Yes.

A He came to Balanga with his headquarters, all in the cars, and stayed in Balanga one or two days.

Q Did the staff officer that reported to you of his meeting with General King tell you anything about General King's offer to surrender?

A What I stated already was what was reported: that General King surrendered with his troops, and he had nothing to do with Corregidor, and he surrendered with the approval of General Wainwright.

Q Did this colonel tell you that General King had offered or had stated that he had vehicles with sufficient gasoline, and even with furnished drivers, to evacuate the prisoners out of that area?

A I did not have a report concerning that.

Q He just reported that General King was going to surrender?

A Yes.

Q He didn't report any terms that he offered to General King?

A I was not informed of anything of that.

Q Well, what did you exactly tell -- strike that.

What terms did you tell him to offer General King

when he went to meet him?

A I did not tell anything to Colonel Nakayama, because the colonel was sent to meet an envoy of the USAFFE who came along to the Nagano Detachment holding a white flag.

Q Then the colonel that you sent did not have any authority to accept a surrender from General King, is that right?

A He could have accepted -- (pause). I do not know whether he reported by telephone to the headquarters before he accepted the surrender or not.

Q I don't believe you understood my question. When you sent this colonel to meet with General King, did you give him authority to accept a surrender from General King?

A I did not specifically tell him to accept or not to accept.

Q Did you give him any conditions or terms?

A No, I did not.

Q Well, then, did General King ever surrender his Army?

(Translated to the witness by Lieutenant Onodera.)

A When?

Q (By Colonel Meek) Then, did General King ever surrender his Army?

A Yes.

Q Who did he surrender to?

A Colonel Nakayama, my representative.

Q What were the terms of the surrender?

A There was no terms.

Q No terms?

A Unconditionally, was reported.

Q Did you receive any reports, after the prisoners were in Camp O'Donnell, as to the number of deaths that were occurring there?

A General Kawane came to report to me that more than 100 a day were dying.

Q One hundred a day?

A Yes.

Q Did you think that was an excessive amount?

A Yes, it was.

Q How often would they report to you as to the death rate at O'Donnell?

A It must have come to my headquarters regularly, but I did not hear the report regularly.

Q Did you consider the conditions at O'Donnell a responsibility of yours, as commander-in-chief?

A I am morally responsible for whatever happened in anything under my command.

Q I did not ask you if you are morally responsible; I am asking if you considered yourself then responsible for conditions in O'Donnell, as commander-in-chief. At the time this was happening, did you consider yourself, as commander-in-chief, responsible for these conditions?

MAJOR SKEEN: If the Commission please, I think the witness has answered that question.

GENERAL DONOVAN: I don't think the witness has.

(Question read.)

A I repeat the same answer: I am morally responsible.

Q (By Colonel Meek) What did you do about conditions there, yourself, as commander in chief?

A Well, I thought I made myself clear on the point. Requisitions for personnel and food and medicine were repeatedly made to the Southern Army Headquarters and Tokyo, and they were not much of them forthcoming. I thought the matter over myself deeply, and came to the conclusion to release the prisoners was an important means to ease the situation of the camp, and I sent my chief of staff to Tokyo to speed up the inclusion of the concentration camp in the order of battle of the 14th Army.

GENERAL DONOVAN: Let's have that answer read.

(Answer read.)

Q (By Colonel Meek) About the 10th of June you received a report that over 16,000 had died, is that right?

THE REPORTER: Is there an answer?

COLONEL MEEK: He nodded. Pardon me.

Q (By Colonel Meek) You didn't yourself, personally, go to O'Donnell to see what you, as commander-in-chief, could do about it, did you?

A I did not go.

Q Wasn't that an important matter?

A As I stated this morning, I intended to go, and there was plenty of time to go yet, and I was all of a sudden called back to Tokyo.

Q What more important did you have to do in Manila on the 10th of June, when you received that report, than to go to O'Donnell and look into conditions?

A On the 10th of June, at that time I was ill and suffering from dengue fever.

Q How long were you ill?

A A fortnight.

Q Now long?

A A fortnight.

Q After you recovered from your fever, what was more important here than going down and seeing what was causing the death of 16,000 prisoners of war?

A Then after my recovery, the chief of my staff went up to Tokyo.

Q Didn't you have anyone else that could act as chief of staff while Wachi had gone to Tokyo?

A Pardon?

Q Didn't you have someone else in the absence of Wachi that could act as chief of staff for the few hours that it would take you to go to O'Donnell?

A I knew from the report that I had how the place was run.

Q Now, at the time of the second battle of Bataan you had drawn your plans for an operation to take about 30 days, had you not?

A About that.

Q And you completed it surprisingly in six days, is that right?

A Surprisingly, yes. I was fortunate.

Q In making your preparations for the second battle of Bataan, did you provide ammunition to cover a 30-day battle?

A Yes.

Q Did you provide hospital and medicine facilities for your own troops to last for 30 days?

A As far as the ammunition is concerned, I know, but as

A A fortnight.

Q How long?

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A As far as the ammunition is concerned, I know, but as

to the others I do not know.

Q Did you provide rations for your own troops to take care of a period of 30 days?

A No, we do not accumulate the rations on the spot. They are coming daily.

Q What I am getting at: You planned a 30-day campaign. Did that plan include ammunition, rations, and medicine, for the men of your command?

A I said that I knew that I was concerned over the ammunition, so I knew about the ammunition, but I cannot tell about other things.

Q You were the commander-in-chief.

A Yes.

Q Didn't you write the plan, or wasn't the whole plan brought to you for approval before you started it?

A It might have been brought up to me, but I don't remember about other things. I was concerned about ammunition.

Q All you cared about was ammunition? You did not care about feeding your own troops for 30 days?

A I do not say I don't care about other things, but my chief concern was the ammunition, because we had a shortage before that time, so I wanted to be sure about the accumulation, the collection of ammunition, beforehand, and I intended to carry the campaign, if possible, through to Corregidor, and continue. I was very much concerned over the ammunition.

Q Now, of course, I know nothing about the plans of the Japanese Army and, perhaps, little about the American Army,

but when you plan, as a general in command of an Army, when you make a plan for a battle or an invasion, don't you write a complete written plan for it? You write a complete written plan, don't you?

A I might explain that the operations order is one thing -- operations only. There is attached --

Q We call them annexes in our Army.

A Yes.

Q You have your annex for supply -- you have a part of your order that is an attachment on there for supply, isn't that right?

A It must be.

Q And for ammunition, and for hospitals, and everything else, that will be included in a successful operation?

GENERAL DONOVAN: Let the witness answer the questions. Just let the witness answer the questions. He started to give you an answer.

A I do not remember.

Q (By Colonel Meek) Well, would you assume that there was any provision for 30 days' supply of ammunition, of rations, and hospital facilities?

A As I stated, those rations were coming every day from the base in Lingayen.

Q You must have had rations at the base for 30 days at least, did you not?

A A certain amount of rations must have been accumulated in certain places near the front lines, but I do not know what is such amount and how many days rations were accumulated.

Q What I am getting at is this: If the campaign was completed in six days, didn't you have a surplus of rations that these prisoners of war could have been fed?

A That depended on how much rations were accumulated already by that time. If they were daily coming from the base, the amount I had at the end of the campaign must be not for the full month, but for certain days.

Q Was any report ever made to you of the capture of any American rations on Bataan?

A No, I did not get any report.

Q Now, this plan for the invasion of the Philippine Islands was prepared, I believe you stated, by the Imperial General Staff in Tokyo?

A Yes.

Q Upon that plan you drew your orders for the invasion? On that plan you drew up your orders for the invasion?

A Yes.

Q And you were given the 48th Division, is that right?

GENERAL DONOVAN: A little louder, please.

Q (By Colonel Meek) As part of the 14th Army you were given the 48th Division?

A Yes.

Q Which was, as you have stated, the best equipped division in the Japanese Army?

A One of the best, yes.

Q There is only one equal to it?

A Only two.

Q The 48th and one other?

A Yes.

Q Were you given, in that plan, the time that you must complete the invasion? Were you given in that plan from the Imperial General Headquarters, the time that you must complete the operation in the Philippine Islands?

A No time was shown about the end of my campaign, but by the time -- at the end of the first battle of Bataan, all other theaters of war -- I mean, that is, the Dutch East Indies and the Malayan campaign, -- those campaigns came to an end while my campaign was delayed, and I knew that Tokyo was displeased with the tardiness of the progress of my campaign in the Philippines.

GENERAL DONOVAN: Will you read that answer?

(Answer read.)

GENERAL DONOVAN: We will have a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

COLONEL MEEK: Will you read the last question and answer?

(Question and answer read.)

Q (By Colonel Meek) Who had control of the naval air operations over the Philippines?

A Do you mean in the initial stage of the campaign?

Q Yes.

A Admiral Tsukahara.

Q Did you have control of any of the naval air operations during the period covering your initial landing up and until

you entered Manila, or your troops entered Manila on the 2nd of January?

A The naval force was never controlled by me. Admiral Tsukahara was the senior officer to me.

Q Did you tell him what you wanted bombed, or where you wanted him to go?

A I did not talk the matter over, the targets, in detail, with Admiral Tsukahara, but from the reports I got -- not from the reports, but from the information I got from the naval side of Formosa, they had an air field at a base called Iba, and Clark Field, and Cavite, and shipping on Manila Bay, and there was -- let's see -- Clark Field and Nielsen Field.

Q Did you have any planes based in the Philippine Islands, or did you have any planes under your command at all during the initial invasion, up to 2 January 1942?

A I knew the fighter planes came over to the field at Aparri and Vigan, and later the bomber planes came over to Tuguegaras in the Cagayen Valley, but I do not know the date when they arrived at Tuguegaras.

Q Did you have any planes under your command during the bombing of Manila on the 27th or 28th of December?

A I don't think there were any Army planes that came over the City of Manila.

Q I am not asking you what you think; I am asking you if you had any Army planes under your command at that time.

A No.

Q None at all?

A No.

Q What sort of communications did you have with Tokyo from the time of your initial landing up to the 1st of January, 1942?

A I cannot state the exact condition, but I recall Taihoku was a relaying station.

GENERAL DONOVAN: Just a minute.

Will you read that answer back?

(Answer read.)

Q (By Colonel Meek) Is that a station in Formosa?

A Yes, --

GENERAL DONOVAN: Will you speak a little louder, please? Everyone in the back of the room is straining.

Q (By Colonel Meek) That was your relay station; your relay station was a radio station in Formosa?

A I cannot tell, because I don't know.

Q Your headquarters during that period of time was in daily communication with Tokyo?

A I don't know.

Q What is your best recollection?

A I do not know.

Q Do you recall whether you were in communication with Tokyo on the day that you landed in the Philippines -- that would be the 24th of December, you testified?

A Yes; it was the duty of my staff officers; I do not know.

Q You do know that you were in communication with them about the 28th or 29th, is that right, that is when you testified you first heard from Tokyo that Manila was an open city?

A How it came, when it came I do not know. I said I received the report from the chief of staff.

Q Pardon me. I thought you testified yesterday that it was a radio from Tokyo.

A It originated from Tokyo, and how it came I do not know.

Q Will you tell us where your first headquarters were in the Philippines?

A Bauang, yes.

Q Do you remember when you moved from there?

A Yes, sir, the 27th.

Q It was after that that you heard that Manila was an open city?

A We arrived at Binalonon in the afternoon, but it was not that day, to the best of my recollection, that I had the report. It must be either the next day or the day after.

Q General Maeda, your Chief of Staff, was relieved in March, is that right?

A End of February, I think.

Q Was he relieved on a report from you to General Headquarters that he was not satisfactory?

A No, I did not.

Q He was satisfactory to you?

A I shouldn't say so, but before the removal of General Maeda from his post Major General Wakamatsu, who was in charge of the General Department of Imperial GHQ came along, and then two other generals, one from the General Headquarters, and one from the War Department came along, and I did not tell anything concerning the removal of the Chief of Staff, but probably they had heard something reported to the headquarters, something about him, consequently he was removed.

Q Now, you were familiar with this chart of your headquarters that was introduced here by General Wachi.

Did you have a chart previous to this period of time?

MAJOR SKEEN: If the Commission please, I would like the Prosecution to explain that question. I don't understand it.

COLONEL MEEK: I will withdraw the question.

Q (By Colonel Meek) The testimony of General Wachi was that this chart covered the period from the 1st of March to the 30th of June, 1942. You are familiar with the chart I am talking about?

A Yes.

GENERAL DONOVAN: Let's get the original out of there.

COLONEL MEEK: Do you --

GENERAL DONOVAN: Don't get that chart out, it is the same as this. Any other chart we want is a Japanese chart, if there is any question.

COLONEL MEEK: It isn't in Japanese. You understand that, don't you? The testimony, as I recall - and I believe counsel will admit - is that General Wachi said this chart was in effect from the 1st of March to the 30th of June, 1942; is that right?

GENERAL DONOVAN: That is what the testimony was. I have it marked right here on the chart.

COLONEL MEEK: I have it marked, too.

Q (By Colonel Meek) What I want to know is, did you have another organization chart prior to this chart?

A We had no such chart made for our headquarters. This is made for the purpose of the trial.

Q This is made for the trial?

A I think so.

Q Don't you know?

A This was made for the purpose of the trial, I suppose so.

Q Was the chain of command any different prior to the 1st of March than indicated on this? You understand what I mean by chain of command?

A Yes, I understand. This chart, I can't find out any great difference.

Q In particular I call your attention now to the department Deputy Chief of Staff.

A Yes.

Q During all of your command in the Philippine Islands did the Deputy Chief of Staff chain of command go as it is indicated on that chart?

A I feel that there must be a line between Southern Army Headquarters and Director of Military Administration that I can't find.

Q There must be a line from Southern Army Headquarters to Director General ° Headquarters?

A Yes.

Q That is the only change that you would make, is that right?

A Well, as far as I can find out at present I don't think there is much difference.

Q Now, I want to refer you to Prosecution Exhibit No. 4. You will recall this as one of the early exhibits placed in the files, being introduced as the chart prepared by Takatsu. Takatsu was a member of your staff, was he not?

A Yes.

Q Calling your attention to the heading on it, it is called "Organization Chart Imperial Japanese Forces in the Philippines, 14th Army Group, to July 1942.

A I think so.

Q Would you say that is incorrect, particularly as to the chain of command from the commander-in-chief - yourself - through the chief of staff, through the deputy chief of staff?

A I think this is more correct (indicating).

Q Do you think this one is completely incorrect?

A I would say this was very incomplete.

Q Incomplete in what respect? I wish you would point out to the Commission where it is incomplete and incorrect.

A In this chart --

GENERAL TRUDEAU: Which chart?

COLONEL MEEK: Prosecution Exhibit 4.

THE WITNESS: Deputy Chief of Staff, Major General Hayashi has a direct line to the Adjutant First Department and Second Department, and he had nothing to do with staff duties.

GENERAL DONOVAN: Read that back.

(Record read.)

Q (By Colonel Meek) May I ask you, did things from that department go through his office as deputy chief of staff to the chief of staff?

A No.

Q Nothing ever went through his office?

A I cannot say definitely, but I think those staff orders were reported by the staff section directly to the

chief of staff without passing through the deputy chief of staff.

GENERAL TRUDEAU: Referring to Defense Exhibit A?

COLONEL MEEK: Referring to Defense Exhibit A.

GENERAL DONOVAN: What was he pointing to?

COLONEL MEEK: May the record show the witness pointed to the sections, staff department, first section, and staff department, second section?

GENERAL DONOVAN: All right, thank you.

THE WITNESS: In fact, it did not go through all the time the deputy chief of staff, as he was Director of the Military Administration. He was stationed in Manila, while all staff officers were in Bataan.

Q (By Colonel Meek) While he was stationed in Manila it was still under your direct control? While the Deputy Chief of Staff was stationed in Manila he was still under your control?

A As I stated before, his sole duty was not the staff work, but the Director of the Military Administration.

Q That still isn't my question. Regardless of what his work was in Manila, was he still under your control?

A It needs some explanation.

Q All right, explain it.

A As he was my subordinate, technically he was under my control; but when he was placed in full charge of Military Administration by Count Terauchi, his work was directly under Count Terauchi's headquarters until I came back to Manila.

Q You mean that military administration in the Philip-

pine Islands was taken away from you for a period of time?

A No, I shouldn't say so. That is a strong expression.

Q It was always under you?

A The orders came from the Southern Army Headquarters to place the Director of Military Administration for the time being under the Southern Army -- to take the full charge.

COLONEL MEEK: Will you read that back?

(Record read.)

GENERAL DONOVAN: We will take a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Does the Commission desire the last question and answer read?

GENERAL DONOVAN: Yes, please.

(Record read.)

Q (By Colonel Meek) Did you still keep the responsibility for military administration during that time?

GENERAL DONOVAN: Will you speak a little louder, please, Colonel Meek?

Q (By Colonel Meek) Did you take the responsibility for military administration during that time?

A As General Hayashi was my subordinate, he was technically responsible to me, but in a practical sense he was responsible to Southern Army Headquarters for the time being.

Q He reported to you on Bataan, did he not? Hayashi

visited your headquarters on Bataan and reported to you, didn't he?

A Well, he came not to report, but to congratulate me.

Q At that time didn't you issue him orders concerning what should be done with Santos?

A I told him my wish and intention.

Q Wasn't your wish and intention an order to him?

A Well, I do not know whether it should be called an order, but simply I told him so.

Q Getting back to the prisoner of war camps, I am going to hand you now Prosecution's Exhibit 306. I am now going to hand you Prosecution's Exhibit 306, printed in English, and you can read that, can you not?

A Yes, I can.

Q I call your attention to the fact that at the bottom it is dated April 11, 1942, and is signed Commander-in-Chief of the Imperial Japanese Forces. Who does that refer to where it says Commander-in-Chief of the Imperial Japanese Forces?

A It was one of the bad habits of the Japanese troops that they use the name of the commander-in-chief when they wanted to put some importance on a statement of that kind.

Q Did anyone have any authority to use the commander-in-chief of the Imperial Japanese Forces on a proclamation such as Prosecution's Exhibit 306?

A That was often done without my approval.

Q Was this particular one done with or without your approval?

A Without my approval. I never seen this before.

Q You are familiar with the Official Journal of the

Japanese Military Administration, are you not, that was published in the Philippine Islands?

A I knew one or two of those books were published at the end of my campaign, but I never had a look at the inside.

Q I refer you now to section 2, "Affairs concerning Department of Interior," this one right here (indicating), signed, "Commander of Imperial Japanese Forces."

MAJOR SKEEN: Is this a Prosecution exhibit?

COLONEL MEEK: It is not -- this is an exhibit.

MAJOR SKEEN: This is an exhibit?

GENERAL DONOVAN: Colonel Meek, before you get into that one, what was the other one? What was the other document? I just want to identify it a little bit further than the number.

(Document referred to was handed to the Commission.)

A It was dated on January 3, when I was in Bauan. I never -- I do not recall that I gave approval while I was in Bauan.

Q (By Colonel Meek) You do not recall whether you gave approval or not?

I do not remember.

Q Reading from page 12 of Prosecution Exhibit No. 9, which is the Official Journal of the Japanese Military Administration, the one I have reference to is "Warning. January 3, 1942. 1. Anyone who inflicts or attempts to inflict an injury upon Japanese soldiers or individuals shall be shot to death. 2. If the assailant or attempted assailant cannot be found we will hold 10 influential

Japanese Military Administration, are you not, that was published in the Philippine Islands?

A I knew one or two of these books were published at the end of my campaign, but I never had a look at the inside.

Q I refer you now to section 2, "Affairs concerning Department of Interior," this one right here (indicating), signed, "Commander of Imperial Japanese Forces."

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A It was dated on January 3, when I was in Bauang. I never -- I do not recall that I gave approval while I was in Bauang.

Q (By Colonel Meek) You do not recall whether you gave approval or not?

A I do not remember.

Q Reading from page 12 of Prosecution Exhibit No. 9, which is the Official Journal of the Japanese Military Administration, the one I have reference to is "Warning. January 3, 1942. 1. Anyone who inflicts or attempts to inflict an injury upon Japanese soldiers or individuals shall be shot to death. 2. If the assailant or attempted assailant cannot be found, we will hold 10 influential

persons as hostages who live in or about the streets or municipalities where the event happened.

"3. Officials and influential persons shall pass this warning on to citizens of towns and villages as soon as possible, and should prevent these crimes before they happen on their own responsibilities.

"4. The Filipinos should understand our real intentions, and should work together with us to maintain public peace and order in the Philippines.

"Commander of the Imperial Japanese Forces."

You say that you have no knowledge of that?

A I do not think any officers of the Department of Military Administration who are staff officers in charge of Military Administration came to Baliuag while I was there for approval of that document.

GENERAL DONOVAN: Let's get that answer.

(Answer read.)

Q (By Colonel Meek) At that time, on the 3rd of January, 1942, you definitely had control of military administration, didn't you?

A Yes.

Q I now call your attention to Prosecution Exhibit No. 16, which is a photostatic copy of the top line of the Manila Tribune for Monday, January 5, 1942, and ask you if you ever saw that before, and if "Commander of Japanese landing forces" refers to you?

A As I stated before, "Commander-in-Chief of the Japanese Forces" or "The Commander of the Japanese Landing Forces" are used when they want to put importance on

the document published.

Q And this was an important document? This was an important document? Did you read it?

A Yes. Is that the same --

Q Well, that is the same only it is signed different. And when it refers to the Commander of Japanese Landing Forces, it refers to General Homma, is that right, yourself?

A I suppose the officer who put that wording meant that.

COLONEL MEEK: If the Commission please, the wording is the same, outside of the signing at the botton. I am referring to the same one that was just read into the record.

GENERAL DONOVAN: Let us see that, please.

(Document was handed to the Commission.)

Q (By Colonel Meek) That was published without your authority?

A It was quite possible.

Q It was what?

A It was quite possible.

COLONEL MEEK: Will you read that?

(Answer read.)

(By Colonel Meek) Quite possible what? That it was with your authority or without your authority?

A I do not remember I gave approval for that document.

Q Did that at that time express your desires as Commander-in-Chief of the 14th Army? I call your attention to the fact now that we are thinking of January, 1942, not today.

A Well, some kind of warning must have been needed at

that time, but the wording of that warning was not adequate.

COLONEL MEEK: Will you read that answer?

(Answer read.)

Q (By Colonel Meek) What is wrong with it?

A Pardon?

Q What is wrong with it? What was wrong with it then, not now?

A That wording is much stronger than I might have wished.

Q I now call your attention to Prosecution Exhibit 419, which is a photostatic copy of a notice that was dropped -- or the testimony is, was dropped to the troops on Bataan and Corregidor -- and ask you if you can identify that as being put out with your authority, your consent and your knowledge?

A I did not see that translation, but I knew the original, written in Japanese.

Q Does that express, and did it express at the time it was put out, your desires and your intentions?

A Well, I know I gave my approval of that document.

Q And when you wrote in this document to General Wainwright as follows -- and I quote:

"Your Excellency. Your duty has been performed. Accept our sincere advice and save the lives of those officers and men under your command. The international law will be strictly adhered to by the Imperial Japanese Forces, and Your Excellency and those under your command will be treated accordingly."

Did you mean that at that time?

A That was my intention, and the regulations for the treatment of the prisoners of war were already laid according to international law.

Q Did you follow that statement?

A Did I follow?

Q Did you follow it out? After the surrender, did you follow what you stated in this letter?

(Translated to the witness by Interpreter Onodera.)

A I trusted that was being followed.

COLONEL MEEK: What was the answer?

(Answer read.)

Q (By Colonel Meek) Did you investigate or make any personal checkup yourself, to find out that it was?

(Question read.)

A From the report I had about the treatment of the prisoners of war, I was given no cause to investigate on that matter.

Q How about the surrender of General King's forces on Bataan; do you feel that you followed international law in that surrender, as Commander-in-Chief of the Japanese Forces?

Do you mean a certain period or generally?

COLONEL MEEK: What was that?

(Answer read.)

Q (By Colonel Meek) I mean in the period of the surrender itself.

GENERAL DONOVAN: See if you can clarify that, will you?

Q (By Colonel Meek) Do you believe that in the sur-

render of General King and his forces on Bataan, you followed the international law as you had set out in this circular that was dropped?

A Well, at the time I was given to understand from the report of my staff officers that they were treated according to the regulations laid down by myself before I left Formosa.

Q Did you know that General King was kept in quarters within 500 yards of your headquarters at Balanga, on the night of 9 April?

(Question read.)

A I did not know at the time, in the evening of the 9th. My quarters was in front of the school; there was a road between my quarters and headquarters, and that road was full of cars, and I asked Major Haba and was explained that those are the cars that belonged to General King's headquarters. But about 11 o'clock in the evening, those cars were gone, so I thought all General King's headquarters are gone already to Camp O'Donnell, but the next day I was told General King was in Balanga.

That wasn't an important matter, that your staff would inform you? His being near your headquarters was not an important matter that your staff would inform you of?

A It is not that I thought important or not. The staff officers who were in charge of General King and his headquarters did not report to me.

Q Now, after the fall of Bataan you made two trips, is that right, down towards Mariveles?

A Down to Mariveles?

Q Yes.

A Only once.

Q One?

A And one to Bagac.

Q Now, looking at the map, please, I understood that on about the 16th of April you made a trip down to the headquarters of the field artillery and of the 4th Division?

A No, I did not say so.

Q Pardon me?

A I said on the 15th or 16th I went to Bagac.

Q Well, when did you make the trip down here?

A On the 20th or 21st.

Q Where did you go?

A The 4th Division headquarters and army artillery headquarters.

Q At that time, did you observe or did you know whether the American hospitals were still there?

A No, I did not know.

Q Did you ever know they were there? Did you ever know there were two American hospitals, one at Little Baguio and one up towards Cabcaben?

A I did not know.

Q No one in your staff informed you --

A No.

Q -- that two American hospitals were in that vicinity?

A I did not know.

Q Your artillery commander never told you anything about it, or it never came to your attention from the

artillery commander that there was an American hospital with prisoners in it, with patients in it?

A I was not told, informed of that.

Q That was not a matter of enough importance to come to your attention?

A Well, importance was not judged by me, but judged by my staff officers.

Q You stated that the first time you ever heard of the evacuation of the prisoners from Bataan to San Fernando referred to as the "Death March" was in September, up in Tokyo?

A That is right.

Q You were then being interviewed? I say, you were being interviewed by some American newspaper men?

A Yes.

Q Did you ever see the story of that interview in any newspaper or News Week or any national magazine? Did you ever see the story of your interview published in any magazine or any newspaper?

A No, I did not. I was put into prison on the same day,

Well, if it was reported of that interview that you were reported to have said, "I saw the Death March, and it wasn't very bad," was that a wrong interpretation of your interview with the reporter?

A Well, I do not recall that I said that, but if I said that I meant that I saw the march which I related here, on the way to Clark Field.

Q And what you did see of it, you didn't think it was

very bad?

A I stated here yesterday that I saw a few columns of the march, and nothing -- I saw nothing extraordinary happen.

GENERAL DONOVAN: Let's get that answer.

(Answer read.)

Q (By Colonel Meek) How long were you on the road that day that you went from your headquarters up to San Fernando?

A I can't say exactly, but it must have been approximately about one hour out and another hour in.

Q Now, at any time after the march, or the evacuation, was it ever reported to you that anyone had died on that march? Refreshing your memory, you heard the testimony here of Wada, in which he said he observed five bodies; did he report that to you?

A Well, I do not recall.

Q Refreshing your memory, another witness for the Defense testified to seeing approximately 18 bodies. You heard the testimony the other day?

A I understand at the time he did not say he saw 18, but what he said was he saw four or five.

Q Twelve?

(Answer read.)

Q (By Colonel Meek) Four or five; was that reported to you?

A I do not recall that I was reported.

Q While you were in command, then, in the Philippines, no report was ever made to you of any deaths on that march,

and, of course, no investigations made as to the cause?

GENERAL DONOVAN: Let's split that question up, will you?

Q (By Colonel Meek) While you were in command in the Philippines, no report was ever made to you of any deaths in that march?

A It might have been made, but I cannot state with any amount of certainty.

Q You say there was no punishments or atrocities committed by the Japanese; isn't that your testimony?

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

I will withdraw the last question.

Q (By Colonel Meek) I now call your attention to Volume No. 4 of the Official Journal of the Japanese Military Administration and particularly to page 3 thereof, the article dated May 24, 1942, signed "Commander in Chief of the Imperial Japanese Forces."

Sir, this is not an exhibit in the case, but I want to ask him if on May 24, 1942, --

You had then taken back control, absolute control of military administration, on this date, May 24th?

A The date, I wonder if the date --

Q The date that this was issued.

A Yes. I wonder if that was the date of the execution or not.

Q I couldn't say as to that.

Had you taken back absolute control of military administration at that time?

A Yes.

Q When did you take it back? What was the date that you took it back?

A When I came back from around Bataan on the 9th of May.

Q The 9th of May?

A Yes.

COLONEL MEEK: If the Commission please, I will read

this entire page; it is very short.

MAJOR SKEEN: This document is not in evidence and I object to it being read at this time.

COLONEL MEEK: Will you mark this as our next exhibit?

(The document referred to was marked Prosecution Exhibit No. 423 for identification.)

GENERAL DONOVAN: What is this? An official document?

COLONEL MEEK: Yes, it is, of the Japanese Imperial Army.

MAJOR SKEEN: The Defense has not had an opportunity to look this over.

COLONEL MEEK: While they are examining that I will go ahead with some other questions, if it is agreeable with counsel.

MAJOR SKEEN: I would rather you would not question him while we are examining this document.

One point I would like to make on this: We object to the Prosecution offering things in evidence during the case of the Defense. If they desire to offer this at some other time, as a part of their own evidence, we can take it up at that time.

GENERAL DONOVAN: The document will be accepted and the Commission will take judicial notice of it. If it is an official document it will be accepted.

(Prosecution Exhibit No. 423 for identification was received in evidence.)

COLONEL MEEK (reading): "Section 2. Affairs concerning Bureau of Political Affairs.

"Notification.

"(May 24, 1942)

"Concerning execution of anti-Japanese-Chinese leaders.

"Twenty of about fifty Chinese leaders were recently executed in accordance with the sentence of a military court-martial, which found them guilty of anti-Japanism.

"The fifty Chinese leaders, who included Uy Nim-Ta, had been arrested and placed under investigation by the Imperial Japanese Forces.

"The twenty who were the ringleaders were executed immediately after the sentence of death was passed by the military court. As to the rest of the Chinese, however, the death penalty was commuted to long-term imprisonment by the special grace of the commander-in-chief of the Imperial Japanese Forces, as their repentance was judged honest and sincere.

"Commander-in-Chief of the Imperial Japanese Forces."

Q (By Colonel Meek) I call your attention to the statement in that article which states that these men were sentenced by a military court-martial. How do you explain that, in view of your testimony that only Japanese military and Japanese civilians were punishable by courts-martial?

GENERAL DONOVAN: Colonel Meek, --

MAJOR SKEEN: I would like to check that translation in that book.

COLONEL MEEK: There is a Japanese translation in the rear of the book.

MAJOR SKEEN: I would like to have it checked before the witness answers the question.

COLONEL MEEK: I call to the Commission's attention that that is an official publication.

GENERAL DONOVAN: That is, and we will accept it.

Will you read the question again?

(Question read.)

GENERAL DONOVAN: If you find anything out about it, let us know.

LIEUTENANT ONODERA: The word is "Military Tribunal." The Japanese word is "Military Tribunal." The translation on the English side here has "Court-Martial."

COLONEL MEEK: I will accept that and withdraw the question.

Q (By Colonel Meek) Did you only make the one trip that you have testified to over the road -- did you only make the one trip that you have testified to over the road to San Fernando during the time of the march?

(Question read.)

A I did my trip only once, but I had a report from the other officers who saw the march.

Q (By Colonel Meek) Well, the trip you have testified to at Clark Field, did you go to Manila on that trip; from Clark Field did you go to Manila?

A No, I did not.

Q There has been some testimony here by some of your own witnesses that you did make a trip into Manila during that period of time. Do you recall that?

A I don't recall the testimony, but I did not go to Manila until --

Q You made a trip. I am trying just to refresh your

memory. You made a trip into Manila, and then took a boat back from Manila to Cabcaben, or a plane back.

A No, I did not go.

Q You did not do that?

A No.

Q All right. Now, on the 5th of May you began your assault on Corregidor, is that right?

A Yes, that is right.

Q And you sent as your representative to deal with anyone there that might want to surrender, Colonel Nakayama, is that right?

A Yes.

Q What instructions did you give him concerning any possible surrender?

GENERAL DONOVAN: Read the question.

(Question read.)

A I told Colonel Nakayama before he left for Corregidor if General Wainwright was there and came forward to offer the surrender, it must be all that was under his command, and I will meet General Wainwright when he is ready to surrender all USAFFE.

Q (By Colonel Meek) Then about what time was it reported to you that the white flag was flying on Corregidor?

A That is -- I cannot say the exact time, but about half-past twelve or a quarter to one.

Q Now, so that we may not have any more confusion about it, when you use time here are you using Tokyo time?

A Yes; when I give the time I mean the Tokyo time.

Q And Tokyo time is one hour ahead of Manila time, is

that right?

A Yes.

Q You had had nc information from any cther scurce than seeing the white flag?

A As to what?

Q As to the surrender cf Corregidcr.

A No.

Q Did Cclcnel Nakayama cr any cf the forces -- cr any cf ycur forces that had landed cn Corregidcr have any means cf ccmmunication with ycu?

A With myself?

Q With ycur headquarters, cr with ycur Army, sc ycu wculd get it finally?

A Not direct ccmmunicatcn.

Q Ycu heard the testimcny cf ycur artillery cfficer here the cther day, did ycu nct?

A I cannct say because I dcn't knew, but artillery headquarters, it has a member cn Corregidcr, and between the landed trccps and the 4th Divisicn Headquarters there must have been ccmmunicaticns.

Q Dc ycu want this Commissicn tc understand, then, that ycu dc nct knew whether ycu had any ccmmunicaticns with ycur landing forces cn Corregidcr and ycur headquarters dcwn cn Bataan?

A That is thrcugh the 4th Divisicn Headquarters.

GENERAL DONOVAN: Will ycu read the questicn and answer?

(Questicn and answer read.)

Q (By Cclcnel Meek) Ycu mean thrcugh 4th Divisicn Headquarters ycu did have ccmmunicaticns?

A With Corregidor.

Q Yes. And 4th Division Headquarters were still in communication with your headquarters, weren't they?

A Between 4th Division Headquarters and my headquarters.

MAJOR SKEEN: I would like to establish the exact time that we are talking about here.

COLONEL MEEK: I am talking about any time after the landing on Corregidor, the 5th of May.

THE WITNESS: There was a communication between my headquarters and the 4th Division Headquarters.

Q (By Colonel Meek) Then there was a communication between the 4th Division Headquarters and the Japanese forces that had landed on Corregidor, is that right?

A I do not know, but there must have been; there should have been.

Q You were commanding that force. I don't know who else would know if you don't.

A The force of landed troops were not directly under my command. That was assigned to the 4th Division, and that 61st Regiment of Infantry which landed on the first night was directly under the command of the 4th Division.

COLONEL MEEK: Will you read that?

(Answer read.)

Q (By Colonel Meek) What I am trying to get at is the communications were good in the Japanese Army, were they not?

A I shouldn't say so.

GENERAL DONOVAN: There could be no question in my mind but that they had communications with the 4th Division,

whose job it was to do this particular thing.

COLONEL MEEK: I am trying to draw out about his headquarters having communications with the 4th Division Headquarters. I assume we have that established.

GENERAL DONOVAN: There is no question about that.

Q (By Colonel Meek) You received no word from Corregidor prior to the landing of General Wainwright accompanied by Colonel Nakayama, is that right?

MAJOR SKEEN: If the Commission please, there has been no testimony to that effect.

GENERAL DONOVAN: Let's have the question again.

(Question read.)

MAJOR SKEEN: He did not say that.

GENERAL DONOVAN: He never said that he said it.

COLONEL MEEK: I never said that he said that. I am asking if he did.

GENERAL DONOVAN: He can answer that question yes or no.

MAJOR SKEEN: He already answered the question.

GENERAL DONOVAN: Let him answer this question.

A Not to my knowledge.

Q (By Colonel Meek) Not to your knowledge?

A No.

Q Was there any report made to you on the morning of 6 May -- strike that.

Was there any report received by you on the morning of 6 May of a radio broadcast from General Wainwright's Headquarters of an offer of surrender?

A No.

Q You ordered immediately that all firing, both ground and air, cease against Corregidor, immediately upon learning of the white flag?

A When I received the report of the white flag I did.

Q What orders did you transmit to the 4th Division as to what their landing forces would do that were then on Corregidor?

A I do not know. That is the duty of my staff officers to transmit the orders.

COLONEL MEEK: Will you read that answer?

(Answer read.)

Q (By Colonel Meek) Did you mean for your landing force on Corregidor to stay in place and not fight or advance beyond where they then were?

A When the order was given to the 4th Division commander he should have given the order to Corregidor.

Q Going back --

GENERAL DONOVAN: Before you leave that question find out what the mission of the 4th Division was.

COLONEL MEEK: I was going to cover that.

Q (By Colonel Meek) On the 5th of May, when you started the 4th Division to land on Corregidor, what was their mission, complete mission of the 4th Division, beginning with the 5th of May until they had completed the mission? What was their mission?

A To capture Corregidor.

Q Did you have a plan prior to the white flag being raised for artillery fire against Corregidor on the evening of 6 May?

A No, there was no such plan.

Q When did you evolve the plan -- strike that.

When was the plan made for the firing on Corregidor on the evening of 6 May, in relation to your meeting with Wainwright?

A We did not make a plan. We had a plan all ready, and for the assault -- please strike that out.

When the plan was made, that was for the whole operation, and that plan was divided into two parts, as I stated.

The first part was put into execution already, and the rest -- that means the rest of the division -- were to carry out the rest of the plan.

Q When was the rest of the division to attempt their landing on Corregidor?

A At half-past eleven.

Q When?

A On the night of the 6th.

Q They would actually make the landing on Corregidor at 11:30 at night on 6 May?

A With the preparation of the artillery fire for 15 minutes.

Q That was in the original plan?

A Yes.

GENERAL DONOVAN: Is that Army artillery, or just 4th Division artillery, or what?

Q (By Colonel Meek) What artillery was to be used for the firing on Corregidor that night? Was it Army artillery, division artillery, or what?

A Army artillery.

Q How many troops did you land on Corregidor on the first assault?

A Always in our plan was to land about 3,000, but owing to the heavy casualties during the operation, the landing operation, I cannot estimate accurately, but about 2,000.

Q About 2,000?

A Yes.

Q When the white flag went up you actually had 2,000 troops on Corregidor?

A Yes.

Q And did they have any artillery with them?

A I cannot recall the details.

Q Did they have any tanks?

A Yes, three tanks on the island.

GENERAL DONOVAN: The Commission will adjourn and meet tomorrow morning at 8:30.

(Whereupon, at 1630 hours, 6 February 1946, the trial was adjourned until 0830 hours, 7 February 1946.)

(1845)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXVIII

PAGES 3180 TO 3289

MANILA, P. I.

DATE 7 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
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UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
7 February 1946

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
Masaharu Homma (resumed)		3181	3213-34	3220-34
(By the Commission)	3222			
Ichirio Suganami	3248			
(By the Commission)	3253			
Hiroshi Goto	3258			
Tsuneo Yamomoto	3263			
(By the Commission)	3268			
Yorisada Tokugawa	3269			
Fuijoko Homma	3277			

GENERAL

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EXHIBITS

COMMISSION EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
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P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: All members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

MAJOR SKEEN: If the Commission please, in view of the difficulties we had yesterday with the Accused understanding questions, we would like to have the question translated into Japanese and the Accused will answer in English.

GENERAL DONOVAN: The last two or three questions from yesterday's testimony will be read, please.

(Record read.)

GENERAL DONOVAN: I would like to ask Major Pratt in connection with the court-martial record of the 14th Army, this exhibit submitted yesterday by the Defense, have you people translated enough of those records to indicate whether or not the records show what portion of the sentence was served on any place in that book that information would show?

MAJOR PRATT: Yes, sir, we have checked over the original document, and from it it appears that the details of the case is nothing more than the sentence passed on the Accused, and the amount of time deducted from that sentence because of the detention before trial.

GENERAL DONOVAN: How many more of those cases do you still have to translate?

MAJOR PRATT: The last one that Colonel Meek requested, the last case on that sheet is nearly translated and will

be in very shortly.

GENERAL DONOVAN: Colonel Meek?

MASAHARU HOMMA

The Accused, a witness in his own behalf, on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows:

CROSS EXAMINATION (resumed)

COLONEL MEEK: You are reminded that you are still under oath.

THE WITNESS: Yes.

Q (By Colonel Meek) Now, we will go to the meeting of General Wainwright that took place late in the afternoon of 6 May, is that right?

(Translation of questions made to the witness by Staff Sergeant Ogita.)

A Yes.

Q (By Colonel Meek) When General Wainwright attended that meeting did he offer any sort of a written document?

A Yes, I recall that he was holding a sheet of paper, but before he offered it to me I indicate that I preferred talking first, so he did not give it to me.

Q You never did see the paper, then, or the contents of it?

A I did not.

Q You were not interested in it?

A Well, as I told yesterday, before I went into the building I had a conversation with Colonel Nakajima and had some doubt about the contents -- I mean the surrender terms -- so I indicated that I wanted to have a talking

first.

GENERAL DONOVAN: Read that back.

(Answer read.)

Q (By Colonel Meek) In your talking with General Wainwright did General Wainwright at any time inform you that he was offering to surrender unconditionally?

A No, he did not refer to the unconditional surrender.

Q Didn't he offer to unconditionally surrender the four islands in Manila Bay?

A We were discussing about the status of his command, so when he said he did not command the troops in the Visayan-Mindanao I understood that what he offered was the surrender of the fortress.

Q What I am trying to find out, and it requires a yes or no answer, did he offer to surrender unconditionally the four fortresses in Manila Bay?

A No.

GENERAL DONOVAN: The answer to that was what?

COLONEL MEEK: "No."

Q (By Colonel Meek) You testified, as I recall it, that you told General Wainwright that if all he wanted to surrender were the four fortresses in Manila Bay, he should do that through the commander of troops on Corregidor, is that right?

A Do you mean me?

Q Yes.

A I did not tell him so, but I presumed that he would.

Q There must have been some conversation between you and General Wainwright concerning the four islands in

Manila Bay, wasn't there?

A No, we did not go into details of those things, those matters.

Q Did General Wainwright at that conversation inform you that he had laid down his arms?

A No, I am positive that he did not.

Q What was your opinion, with the white flag up, as to whether the American forces had ceased to fight?

MAJOR PRATT: Do you mean since the white flag was up what do you think?

COLONEL MEEK: Yes. Since the white flag was up, what did you think? Let's start over. Strike that.

Q (By Colonel Meek) With the white flag flying on Corregidor, what was your opinion as to the American forces continuing to fight?

A It all depended on what the commander of the American forces, what they said or had to say to me.

COLONEL MEEK: Read that.

(Answer read.)

Q (By Colonel Meek) That is what I am trying to find out from you. What did the American commander say to you when he met you?

A He offered me the surrender of the fortresses in Manila Bay.

Q Four fortresses?

A When I say "fortresses," I mean those four islands included.

Q You refused to accept that offer?

A Yes.

Q Well, when he offered to surrender those the white flag was up then, wasn't it?

A When?

Q During the meeting; during all the time he was there it was up? I am referring to a white flag.

A The only report I had concerning the white flag was when it was hoisted.

GENERAL DONOVAN: Let's get that last answer.

(Answer read.)

Q (By Colonel Meek) As I understand it, the meeting between you and General Wainwright, when it broke up and you left the meeting General Wainwright had offered to surrender the fortresses in Manila Bay and you refused that surrender?

A I don't quite get you.

(Question again translated to the witness by Interpreter Ogita.)

THE WITNESS: I don't quite understand.

MAJOR SKEEN: If the --

GENERAL DONOVAN: Just a minute; just a minute.

THE WITNESS: You tell me that when I get back to my headquarters, or after I left the meeting. I don't understand.

MAJOR SKEEN: If the Commission please, I was told that the Interpreter inadvertently left out the word "refused," in translating.

GENERAL DONOVAN: Read the question again.

(Question read.)

A That is right.

Q (By Colonel Meek) Did you consider the hoisting of

the white flag meant a temporary truce?

A Well, prior to answering the question I want to add a few words. I said I refused. That is not an absolute refusal. I asked him to surrender all troops under his command; if he was ready to surrender all his units under his command I was ready to accept surrender, including the fortresses in the Manila Bay. So the acceptance of the surrender of the fortresses was a bit misleading, so I want to add that.

Q That is your explanation to the first question.

Now, will you read the last question to him?

(Question read.)

A What I understand by the white flag is the commander of the hostile forces wants to say something to me.

Q (By Colonel Meek) You understand that that means that fighting will cease while it is displayed?

A I ordered to cease firing, because I was prepared to see the commander of the hostile force.

Q Do you understand that when the commander of the force hoisting the white flag comes to meet the victor that he is given safe conduct to that meeting?

A Do you mean he would come forward safely? Do you mean that?

Q Yes.

A That is why I ordered to cease firing.

Q According to your testimony you refused to accept the surrender of General Wainwright, and he was there accompanied by your representative, isn't that true?

A I said Colonel Nakayama brought General Wainwright

and his staff officers to the place of the meeting.

Q When you broke up the meeting with General Wainwright did you inform him hostilities were to be resumed?

A I did not tell him anything on the matter.

Q Did you give General Wainwright an opportunity to return to his command on Corregidor, or time enough to return to Corregidor before you opened fire on Corregidor again?

A There was plenty of time when the conference broke up; it was between half-past six and seven, and firing was to start after eleven, eleven o'clock on the same evening, so there was more than five hours.

Q There is testimony in this case that firing on Corregidor occurred much earlier than eleven o'clock at night. Do you know of any fire from your forces prior to 11:30 the night of 6 May?

A Not to my knowledge.

Q When did you order the 2,000 troops that you had on Corregidor to recommence their offense on the evening of 6 May 1942?

A 6 May?

Q Yes, after the conference.

GENERAL DONOVAN: We have the answer to that, don't we?

COLONEL MEEK: No, not yet.

A Those troops on Corregidor already by that time were, as I said yesterday, were not under my direct command. I did not give the direct order to the troops there.

Q (By Colonel Meek) All right, when did you give the

command, the order to the commanding general of the 4th Division?

A I can't be accurate about the time, but the time I gave the order for the resumption of the assault was around nine o'clock.

Q Nine o'clock in the evening of 6 May?

A Yes.

Q General Wainwright was in the custody of Colonel Nakayama, is that right?

MAJOR SKEEN: I will object to the Prosecution using the word "custody." It just tends to confuse the witness.

GENERAL DONOVAN: I see nothing wrong with the word "custody." He was going back with him at the time.

MAJOR SKEEN: He was accompanied by him, and certainly not in the custody, and the intent of the Prosecution is obvious when he uses that word.

GENERAL DONOVAN: Let the witness answer the question.

A You mean about nine o'clock?

Q (By Colonel Meek) On the return to Corregidor from Cabcaben.

A Colonel Nakayama was just told to take General Wainwright and the officers back to Corregidor. When he reached Corregidor, at Corregidor his mission came to an end.

GENERAL DONOVAN: There will be a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel.

The Prosecution is present and we are ready to proceed.

COLONEL MEEK: Will you read the last question and answer back?

(Record read.)

Q (By Colonel Meek) When you issued the orders to the 4th Division to renew, for the troops on Corregidor to renew the assault, did you know then whether General Wainwright had returned to Corregidor?

A Although I did not get a report from Nakayama that he arrived at Corregidor, but there was plenty of time and anything could happen in the crossing of Corregidor; there should have been some word from Nakayama, and I would have heard about that. So I was certain by the time I gave the order, he arrived back at Corregidor.

COLONEL MEEK: Will you read that?

(Answer read.)

(The following questions were translated to the witness by Lieutenant Onodera.)

Q (By Colonel Meek) Just to clarify that, you did not have any information that he had returned to Corregidor?

A I did not get that report from Colonel Nakayama.

COLONEL MEEK: Will you read the question?

(Question read.)

COLONEL MEEK: Will you ask him that question. I want an answer to that question, and not what information he might have had.

THE WITNESS: As I stated, it was only about three miles crossing, so I was sure that he should have arrived by that time at Corregidor.

GENERAL DONOVAN: Answer the question yes or no.

THE WITNESS: I did not.

Q (By Colonel Meek) Do you know whether the white flag, from the time it was raised, was ever lowered again?

A It was too dark to see the white flag.

Q Did you ever learn that the white flag was up on the morning of 7 May 1942?

A All I had was the report of the surrender of General Wainwright, and not of the white flag.

GENERAL DONOVAN: Will you read that answer back?

(Answer read.)

Q (By Colonel Meek) Why was General Wainwright held as a hostage until the 9th of June, 1942?

A I do not think he was kept in Manila as a hostage. He was kept there while his staff officers were transmitting his orders to the troops in Visaya and Mindanao, and those officers had not returned. While those officers were in Mindanao and Visaya General Wainwright may be consulted. That is the reason. And he was not a hostage.

Q What was he? Was he a prisoner of war from the 7th of May until the 9th of June?

A That is my notion.

GENERAL DONOVAN: What is that?

(Answer read.)

Q (By Colonel Meek) He was not interned in a prisoner of war camp until the 9th or 10th of June, 1942?

A He was in Manila, as he may be consulted, should anything happen in the course of the surrender of the troops at Visaya and Mindanao.

Q You want this Commission to understand that it took the Japanese Army from the 7th of May to the 9th of June to send General Wainwright's staff officers to the other forces of his command?

A I could not say how long it took them, but those officers who were sent to Visaya, the units under his command and several islands there in the Visayas, so he had to cross from one island to another and so it should have taken some time and to see that the surrender was entirely put into practice --

Q What would have happened to General Wainwright during the period from the 7th of May to the 9th of June if the surrender of the troops on the other islands had not been accomplished?

A It is difficult for me to answer the question on an assumption, but he might have been asked his opinion what should we have done.

Q General Wachi, your chief of staff, has testified that on orders received from Tokyo on August 1st, you were directed to treat the captured Americans and Filipinos as prisoners of war.

LIEUTENANT ONODERA: Will you read that question?

(Question read.)

MAJOR SKEEN: What is the question? That is just a statement.

COLONEL MEEK: I thought that was rather long. The rest of the question is, Do you recall that was a fact?

A I did not interpret the instructions in that way. The prisoners of war were prisoners of war at the moment

of the surrender, and what Tokyo instructed me in its instruction was the concentration camp, as a unit, would be included later on in the order of battle of the 14th Army. Until that time we should do the best we could. That is what I understood the instructions to be.

Q (By Colonel Meek) Did you understand that under the Geneva Convention for the treatment of prisoners of war that prisoners of war are entitled to receive pay for their work?

A That was the one point I was worried about. I was not given the budget. That was one of the missions Wachi talked about in Tokyo.

Q Were any prisoners of war ever paid for their work during the time you were in command here?

A Inclusion of the concentration camp into the order of battle of the 14th Army meant to pay the salary to the prisoners of war, and that was included on August 1st.

Q Had you had payrolls or information kept from the time of the surrender as to the work of prisoners, so that you could pay them for this back pay?

A I do not know --

Q Were you finished?

A From what I understand was the prisoners of war, whether they worked or not, are paid in the same way, the same as in our Army.

Q In other words, when you got the prisoners of war included in the battle order, that meant they were going to be paid from the 1st of August on, is that right, and not for any back period of time?

A I do not know whether they had the back pay, but they should have been paid for back pay.

Q In Defense Exhibit I, which you identified and was introduced yesterday, I find that for the first period the majority of cases listed on there are for rape cases. Then as we go further on we see another series of offenses, such as robbery and theft and bribery. Do you mean that during the period from the 16th of January to and including the 10th of February the only cases being tried in your courts-martial were rape cases, with the exception of one for murder on the 10th of February, and one for illegal intrusion on the 27th of January?

LIEUTENANT ONODERA: Illegal intrusion on what date?

MAJOR SKEEN: Between what dates?

COLONEL MEEK: Between the 16th of January and the 10th of February.

LIEUTENANT ONODERA: When was the illegal intrusion case?

COLONEL MEEK: The 27th of January.

A Those crimes which were brought to notice were all tried. "Don't rape; don't set fire; and don't loot" was my motto, so all the officers and officers concerned were aware that I was particular on those points, and I suppose the rape cases were brought more to notice.

Q Were the terms of sentence as set forth on Exhibit I approved by you?

A No, I did not. By my delegate.

Q You knew what the sentences were, didn't you?

A Not each case.

Q What do you consider an adequate sentence for rape?

A More than three years hard labor.

Q What do you consider an adequate sentence for desertion in time of war?

A Shot in the presence of the enemy.

Q I call your attention to page 2 of Exhibit I, "18 of March 1942, desertion in war time, sentence 6 months confinement."

A It depends upon the circumstances, desert in front of enemy. For instance, if a sentry or the soldiers at the first line deserted from his post they are shot, but those in the rear line who are outside of the line on service of line of communication or base are different.

Q Do you consider six months adequate?

A I cannot say because I could not know the circumstances of how the offense occurred.

Q Calling your attention to the last entry, "18 August 1942, accidental homicide" -- you see the one I refer to.

A That is accidental.

Q Do you consider a fine of 30 yen sufficient for that?

A I cannot say because I don't know the circumstances, how it happened.

Q What I am getting at is that at the time this report was prepared you saw it and you approved it, is that right?

A Those reports were not presented to me at each case.

COLONEL MEEK: I believe you have a question.

GENERAL TRUDEAU: There is an interesting point on that same last entry there. You notice the name and rank of the defendant according to the English translation lists him as Shigeru Takahashi, Staff Sergeant, M. P. I wish you would check the original document and find out if he is a member of the Kempei Tai. Establish the authority over the Kempei Tai for all violations. That has been one of the moot questions here today, I believe.

COLONEL MEEK: I will ask you the question.

Q (By Colonel Meek) As Commander-in-Chief in the Philippines from the time of your arrival until you left on 5 August 1942, were you not in command of the military police or the Kempei Tai?

A The military police was under my command, but the Director of Military Administration had authority to issue orders to the military police as far as the maintenance of order and peace and police matters are concerned, and as to the operational duties I always could give the orders to the military police.

Q Do you know a Lieutenant General Ishida?

GENERAL DONOVAN: Let's get the last question and answer read back.

(Question and answer read.)

COLONEL MEEK: Strike that last question, please.

Q (By Colonel Meek) Could you discipline members of the military police or Kempei Tai?

A I could.

GENERAL DONOVAN: We will take a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Will you read the last question and answer back?

(Question and answer read.)

Q (By Colonel Meek) You have testified that rules for military tribunals were established by army headquarters. Does that mean your headquarters?

A Yes.

Q Do you recall about what day it was that you visited Santo Tomas?

A I cannot recall the exact date.

Q About what time of the day was it?

A Sometime in the afternoon.

Q You did not go inside?

A I did not go inside.

Q Why?

A Always when I go to any place my going was notified beforehand. It was a casual visit; my going was not forewarned.

GENERAL DONOVAN: Read that back.

(Answer read.)

GENERAL DONOVAN: That sounds a little mixed up to me. Ask him if he said just that.

COLONEL MEEK: Will you answer that again. Explain it a little more.

A When I go to inspect or to visit anywhere my going was always notified beforehand. On that occasion my going was not notified.

Q In other words, if you were to inspect Santo Tomas or one of the prisoner of war camps they would be notified prior to your visit, is that right?

A Yes.

Q Do you believe that as commanding general you would get a true picture of conditions at a prisoner of war camp had you visited it -- Santo Tomas, had you visited it if they had been notified prior to your coming to inspect it?

A Notification is a custom in our army, so my going anywhere is always notified beforehand.

Q I understand what the custom is in your army. I was asking now for your opinion as to whether you would get a true picture?

A If I drop in without notification that puts the officials in a very bewildered situation, while when I go to a place the officer in charge of the place should be there.

Q Did you ever receive any reports on the civilian internment camp at Baguio referred to as Camp John Hay?

A I do not recall that I had any report particularly on the John Hay Camp, but I was given to understand it is managed in the same way as Santo Tomas.

Q You were given to understand that all the civilian internees were handled every place in the Philippine Islands as they were at Santo Tomas? You were given to understand civilian internees wherever they might be in

the Philippine Islands were handled as they were in Santo Tomas?

A That was how I understood.

Q That is that every civilian internee would furnish himself with his own food or starve to death?

A There was the section called the Foreign Relations Section in the Military Administration Department which dealt with all the civilians in the whole Island, so all the civilian internees in principle were treated in the same manner, but I cannot say anything on the particular internee camp, the internment camp other than Santo Tomas.

GENERAL DONOVAN: Have you got the answer, Major Skeen?

MAJOR SKEEN: Yes.

Q (By Colonel Meek) My question again, and I will rephrase it slightly, is, did the Japanese Government or did the soldiers or anyone under your command provide any method whereby the civilian internees, civilian internees could secure food?

A You mean the army ration or what?

Q I don't care whether it is army ration or anything, food, so they could eat and live and not starve to death?

A I believe they did.

Q When and where did the army provide food for the interneees at Santo Tomas, Camp John Hay or any other civilian internment camp in the Island while you were in command?

A I cannot say exactly what happened in every internment camp, but if there was no such request from the in-

ternee to live in their own way, the place where the internees were in small numbers, I believe, they are provided with the army ration.

Q Well, now, let's get down to Santo Tomas. Did the army ever furnish any food for the internees in Santo Tomas?

A I gather from the reports that I had from Mr. Tsurumi that they wanted to live in their own way under their own expense, and when they ran short of funds, the means to get the funds were furnished by the Department of Military Administration.

Q When was that that the Military Administration started to furnish funds?

A I think it was sometime in June or July.

Q Did the internees at Santo Tomas want to furnish their own hospital and their own medicine?

A I had a report that a hospital was established soon after they were interned in the camp, so I took it for granted that the army administration -- I mean the Military Administration Department -- were either giving them the medicine or the patients were sent to the general hospital on the outside.

Q An army hospital?

A No, a general hospital.

Q You had at Santo Tomas alone about 4000 internees, did you not?

A From my report I understood that out of 3000, five hundred civilians, many hundreds were exempted because of their being religious missionaries and aged and sick people.

Q Well, how many did you have in Santo Tomas?

A About 3000, I understand.

Q They were old people, babies, men and women, isn't that true?

A All included.

Q Did you, as Commander-in-Chief, have any responsibility for the care and welfare of those people?
Did you consider, as Commander-in-Chief, that you had any responsibility for the care and welfare of those men, women and children?

A All I had, the reports I had about the concentration camp was satisfactory. While I was in the Philippines there was nothing to worry about in those camps.

GENERAL DONOVAN: Will you read the answer?

(Answer read.)

Q (By Colonel Meek) Did you ever hear before this trial of the execution of three men for escaping from Santo Tomas?

A I did not know.

Q You heard the testimony here in this court as to the treatment of prisoners of war on the march on Bataan? You heard the testimony here of the prisoners of war on the march over on the Island of Mindanao, that was at Dansalan. From that testimony it appears that prisoners of war in both instances were treated exactly the same.

MAJOR SKEEN: May I have that question again?

GENERAL DONOVAN: He is not through.

MAJOR SKEEN: Can I have it as far as he has gone?

GENERAL DONOVAN: Read the question.

(Question read.)

COLONEL MEEK: (Continuing) That there were many atrocities, that prisoners were beaten, bayoneted and shot.

GENERAL DONOVAN: Just a minute. Let's take that question step by step and be sure that he understands each separate part of the question.

Read that question back in that manner.

(Question read.)

COLONEL MEEK: Does that indicate to you that the plan for the kind treatment of prisoners of war that you had issued prior to the invasion was being followed out?

THE WITNESS: I came to know for the first time in the court of such atrocities, and I am ashamed of myself should these atrocities have happened.

GENERAL DONOVAN: Read the answer.

(Answer read.)

Q (By Colonel Meek) Had you completed your answer?

GENERAL DONOVAN: Read the answer back again.

(Answer re-read.)

Q (By Colonel Meek) Is it your opinion now that they did happen?

A I heard in this court many things that I do not know whether I could believe the whole story or not.

Q We are talking particularly about the marching of the prisoners of war and the confinement in the prisoner of war camps. How do you explain that according to the testimony here the same practices were carried out by your troops in the handling of the prisoners of war on the Island of Mindanao and on Bataan Peninsula?

MAJOR SKEEN: If the Commission please, I would like to object to the question. The testimony does not show that they were handled in exactly the same manner.

GENERAL DONOVAN: The witness can disagree with the question. He does not have to answer yes.

THE WITNESS: I do not know whether the prisoners of war were being treated in exactly same manner in Mindanao. The troops who went to Mindanao came from Borneo and Malaya without landing at Luzon, and I was not informed of the exact situation which had happened in Mindanao.

Q You mean that the troops that were on Mindanao had not received your instructions for the kind treatment of prisoners of war?

A I presume when the commander of the two detachments who were sent to Mindanao came to get the order from me, my staff should have given those regulations, but on that point I cannot say whether they really did or not, but they should have been given.

Q Will you tell the Commission what status the Japanese gave to a Japanese soldier who might be captured in 1941 and 1942?

GENERAL DONOVAN: I did not understand that question. Read the question.

(Question read.)

MAJOR SKEEN: May we have that question clarified?

GENERAL DONOVAN: Clarify the question, will you, Colonel Meek.

Q (By Colonel Meek) What was a Japanese soldier taught as to how he would be considered by the Japanese

Government were he made a prisoner?

COLONEL MEEK: Is that plain enough?

GENERAL DONOVAN: Yes, that is plain enough.

THE WITNESS: The Japanese feeling for the prisoners of war is different from the people in the Christian countries, and our feelings cannot be applied to the soldiers of other nationalities than our own. When Bataan surrendered we had about 54 prisoners captured by the USAFFE and those soldiers were investigated and they were all wounded.

Q Is that the end of the answer?

GENERAL DONOVAN: Read that back.

(Answer read.)

GENERAL DONOVAN: Do you want an answer to the question? Let's get an answer to the question.

THE WITNESS: First of all they were taught not to be captured and they should not surrender. That is what we taught to our troops.

Q (By Colonel Meek) All right. Now, if they do surrender or are captured, how are they considered by the Japanese Army or Government?

A They don't think it is a good thing to be captured.

GENERAL DONOVAN: Read the answer.

(Answer read.)

Q (By Colonel Meek) Do they think they are dishonored and that the Japanese Government considers them as dead? Now, we are talking about 1941 and 1942.

A Certainly it is not an honor, but they are not considered as dead.

GENERAL DONOVAN: Find out what would have happened to those 54.

Q (By Colonel Meek) You say you investigated the 54 that had been captured by the USAFFE. You found that all 54 of those had been wounded in battle?

A Yes.

Q What would have happened to any of those 54 if they had not had a battle wound?

A Each prisoner is to be investigated; if he proves not to be fighting to his best ability to the last moment, he should be punished accordingly.

Q What do you mean punished accordingly? What would they do to him?

A He may be imposed light punishment or court-martial according to the circumstances he was taken captive; light punishment or court-martialed.

Q When Colonel Ohta visited you on Bataan did he at that time discuss the Chinese Consulate case or any Chinese then in custody?

A No, he did not say anything of the kind at any time.

Q Did Colonel Ohta ever discuss any of the prisoners he had confined?

A He did not.

Q Did he ever make any report to you as to the number of prisoners of war he had in Santiago?

A He did not report to me anything concerning the prisoners to my knowledge.

Q Could any prisoner -- strike that. Could any of the men or women that Colonel Ohta had confined in

Santiago be executed without a trial by a military tribunal or court-martial?

A I came to know for the first time in court when some witness testified.

Q My question was, could anyone -- we are talking about 1941 and 1942 when you were in command, not what you heard in court. Could anyone have been executed that was confined at Santiago in 1942 without there being an order for their execution signed by someone or issued by some headquarters?

A No, they should not be executed without military tribunal.

Q There would have to be an order for their execution issued by yourself as Commander-in-Chief, is that right?

A No.

MAJOR SKEEN: There is a question on the translation on that. Did you say "by yourself"?

INTERPRETER ONODERA: I said "without the order of the military tribunal."

GENERAL DONOVAN: Translate it exactly the way it was said.

(Question interpreted to the witness by Interpreter Onodera.)

A Procedure of the military tribunal was that the authority appointing the commission approve the verdict, so he had authority with his jurisdiction.

Q (By Colonel Meek) Who had authority with his jurisdiction to appoint a commission and approve a verdict?

A During the time from March up to the time I returned

to Manila from Bataan the Director of Military Administration had the authority and the commanders operating in other isolated islands above the brigade commander had authority, and commander-in-chief of course had authority.

Q When the sentence of the military tribunal was the death sentence, didn't that have to be approved by you?

A The verdict was given by the person who had the authority.

GENERAL DONOVAN: Read that back, please.

(Answer read.)

Q (By Colonel Meek) I guess you don't understand. What I am trying to get at is, if the verdict was for the execution of the person being tried, didn't that verdict have to be approved by you before it could take effect?

A It was not necessary to ask for my approval.

Q You want this Commission to understand that you appointed military tribunals, gave them power to find sentences of death and did not have the right or did not assume the right to review that verdict before it was put into effect -- you as commander-in-chief?

MAJOR SKEEN: If the Commission please, I would like to have the Prosecution specify what military tribunals or within what dates.

GENERAL DONOVAN: The witness may answer the question as it is put. We are talking about the dates in question, however, between December 1941 and August 1942, while the witness was in command. All right, go ahead with the question.

A I feel somehow I misunderstood. The military tribunal is not always appointed by me. The one who had authority to appoint a military tribunal, as I said, was myself or the Director of Military Administration or the commanders above the independent brigade in isolated cases.

Q (By Colonel Meek) This is pretty important. You were the Commander-in-Chief here?

A Yes.

Q Do you mean to say to this Commission that a commander of a force in Mindanao could appoint a military commission or that General Hayashi could appoint a military commission without your delegating to him the authority to appoint that commission?

A I stated yesterday that when the Director of the Military Administration was placed in full charge of the Military Administration for the time being by the order of the Commander-in-Chief of the Southern Army, it carried the authority to appoint the military tribunal.

Q All right. How about the commanders out in these little islands?

GENERAL DONOVAN: We didn't get your question. How about the commanders in some place.

COLONEL MEEK: I was going to ask how about the commanders out --

GENERAL DONOVAN: You don't have to ask the question if you don't want to. If you are going to ask the question we want to understand it. That is the point I am making.

Q (By Colonel Meek) How about the commanders, the brigade commanders, that you talk about, say in Mindanao

or Cebu, could they appoint military commissions until you had delegated that authority to them?

A It was laid down in the manual of court-martial that the commander above the brigade commander in an isolated case has the authority to appoint the court-martial and procedure on the military tribunal is the same principle as the manual on the court-martial.

GENERAL DONOVAN: Will you ask if he reviewed the Chinese Consulate case before we take a recess.

Q (By Colonel Meek) Did you ever review the Chinese Consulate case while you were in command in the Philippines?

A I did not. I might explain there was no reviewing system in the army. When the commission came to a conclusion the conclusion was reported to the authority who appointed the commission, and if he approves that that is final. If he did not the verdict would be changed accordingly.

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

COLONEL MEEK: Do you desire the last question and answer read?

GENERAL DONOVAN: No.

Q (By Colonel Meek) You testified yesterday that you meted out punishment among others -- General Wachi -- among your command. Just what punishment did you give

General Wachi? What was it for?

A You mean what the punishment was?

Q What the offense was and what the punishment was.

A I disciplined him to 15 days confinement to quarters and cut him out of pay, but owing to his services being essential to the situation I pardoned the confinement part and he may be allowed to come to the headquarters, but cutting of the pay was carried out.

Q What offense was committed?

A That was for the explosion of the ammunition dump.

GENERAL DONOVAN: Read that back.

(Record read.)

Q (By Colonel Meek) Are you talking about General Wachi or Okobu?

A Well, in the same line.

Q Both for the same offense?

A Yes.

Q They both got the same punishment?

A Well, my memory may be mistaken. One week to General Wachi and 15 days to General Okobu, but I am not sure about it.

Q Now, taking you back to 1942, to the conclusion of the surrender on Corregidor -- strike that.

Taking you back now to the first offensive, first Bataan offensive, had your casualties been rather high during that?

A I sustained heavy casualties.

Q Going on now to the second Bataan offensive, were your casualties heavy on that offensive?

A Comparing with the first phase of the Bataan campaign the second battle was very much lighter.

Q Going on to the assault or the capture of Corregidor, were your casualties heavy in that campaign?

A In a total number casualties were not in great number, but the proportion of the casualties sustained by the landing party were very heavy.

Q Your entire operations in the Philippines had not gone as fast as you had thought it would, is that right?

A It was delayed very much longer than I expected.

Q From a military standpoint did you consider it successful?

A On any operation?

Q Yes.

A I should think so.

Q Although it had taken much longer than you had planned and had been planned in Tokyo?

A From my point of view.

Q From your point of view it had taken much longer than you had planned it would take?

A Yes; and whatever Tokyo might have thought I could not think it a failure.

GENERAL DONOVAN: Read the answer.

(Answer read.)

Q (By Colonel Meek) The officers and men of your command knew quite generally of the heavy casualties that your forces had suffered, is that a fact?

A At the end of the campaign, I mean the first battle of Bataan, I think it was known by the troops under my command that we sustained heavy casualties.

Q You knew when you were placed in command -- when you were placed as commander-in-chief for the invasion of the Philippine Islands, what your responsibilities were, did you not?

A Yes, I knew.

Q You knew that your responsibility was to treat prisoners of war according to the terms of international law and the Geneva Convention?

A I shouldn't call it a responsibility, but I knew that prisoners of war should be treated according to international law.

Q You knew that was your responsibility, to see that was done, didn't you?

A It should be observed.

Q Is that the best answer you can give?

A I have responsibility in the moral sense about everything that happened under my command.

GENERAL DONOVAN: Read the answer.

(Answer read.)

Q (By Colonel Meek) That includes the care, feeding, the furnishing of medicine to civilian internees, as well?

A Everything what happened under my command, I said.

Q I want to specify some of them. That includes allied or -- citizens of countries allied with Japan and those opposed to Japan, in the recent war, is that right?

A I don't quite get that question. Under my command, those who are not under my command, well, I don't know.

Q One final question. Do you feel that, as commander-in-chief from the period of December 8th, 1941, to the 5th of August, 1942, you carried out under the rules of war and of international treaties and the Geneva Convention all the responsibilities you should have carried out?

A As far as I am concerned I think so.

COLONEL MEEK: No further questions.

GENERAL DONOVAN: I would like to find out, before you start, Major Skeen, if the two sides, the Prosecution and the Defense, can get together on the dates in connection with when General Homma arrived in the Philippines, and when he left.

MAJOR SKEEN: He, personally, or the landings of Japanese troops?

GENERAL DONOVAN: Commander of Japanese troops when they landed.

COLONEL MEEK: The first landing we have is the 10th of December, 1941.

MAJOR SKEEN: That is correct.

GENERAL DONOVAN: The 10th of December, 1941.

COLONEL MEEK: And the 5th of August, 1942.

MAJOR SKEEN: He left here on August 5, 1942.

GENERAL TRUDEAU: Do we have a definite period which the Accused claims General Hayashi was responsible to the Southern Army command for all military administration in this area?

MAJOR SKEEN: There is a definite period, but I am not prepared to state, myself, right now, without checking the evidence.

GENERAL TRUDEAU: I would like to be informed as to what that period is.

COLONEL MEEK: In connection with that, if the Commission please, the Prosecution does not concede that. I think the weight of this Accused's own testimony is that he delegated for a time the military administration.

GENERAL DONOVAN: Well, you want the date that we have been talking about here for the last two days, General Trudeau. We will give it all the weight we want to give it, as to that.

But, the first charge in here, just to get a little of this straightened out in connection with this date, the charge will be changed to show those dates, 10 December 1941 -- between 10 December 1941 and 5 August 1942 -- so we can scratch out those other dates. Everybody seems to be in agreement on those two dates.

Do you have any objection, Colonel Meek?

COLONEL MEEK: Yes, sir. I think we have agreed quite definitely all through the trial that the time we are concerned with is 10 December to and including 5 August. However, I question the right of this Commission to change those dates in there. While it covers a larger period, we have confined our proof to those dates. In other words, what I am getting at -- and I can be wrong on that, is that these charges were prepared and ordered down here to us.

I do not believe this Commission or anyone can make an amendment in them. That is what I am concerned with.

GENERAL DONOVAN: At the moment I do not agree with you, but I will give you a decision on it as soon as we come back from lunch this afternoon.

COLONEL MEEK: I just offer that as a thought to the Commission.

GENERAL DONOVAN: I appreciate that. Pending that, we are at least together on the dates. That is the main thing I wanted to get together on. And whether we make the change or not is beside the point.

All right, Major Skeen, you may proceed.

REDIRECT EXAMINATION

Q (By Major Skeen) Yesterday you answered that at the time of the surrender on Bataan --

THE WITNESS: Do you mind coming a little bit nearer, please?

Q (By Major Skeen) Do you want these questions translated as has been done?

A Yes.

GENERAL DONOVAN: You did pretty well the other day without the interpretation. Try it your way.

MAJOR PRATT: General, the witness stated he wants the questions to be translated.

GENERAL DONOVAN: Try it your way, Major Skeen, then we can change if we have to. Do anything the witness wants to do on this translation business.

MAJOR SKEEN: Let's try these questions without translation.

THE WITNESS: I want to have it translated.

GENERAL DONOVAN: All right, it will be translated.

(The following questions were translated to the witness by Lieutenant Onodera.)

Q (By Major Skeen) Yesterday you answered that at the time of the surrender on Bataan you made no inquiry as to the physical condition of the prisoners of war. Will you explain that answer?

A I was not informed that the prisoners of war were in such a pitiful physical condition, and I had no reason to make inquiry of the physical condition of the prisoners. I thought it was no worse than our own troops.

Q Did you know what the physical condition of your own troops was at that time?

A Although there are some who are not in very good condition, but they are not very much out of the ordinary.

Q You also answered yesterday that you had no word from Colonel Nakayama at any time before he arrived at Cabcaben with General Wainwright. Will you explain that answer?

A Did I say that?

Q You said that yesterday.

A I certainly had word from Colonel Nakayama. The first news I had about the meeting at Cabcaben was the word sent from Colonel Nakayama.

Q At what time was that?

A On the afternoon of the 6th.

Q Of May?

A Yes.

Q When you received the word of the white flag on Corregidor did you consider it as a sign of surrender?

A I did not think that it implied the surrender. It did not signify the surrender.

Q Why, then, did you order all firing to cease?

A Because the white flag meant they had something to say to me, and I understood that some envoys were forthcoming. So they do not come while the fighting was on. I must give the envoys safe passage.

Q Now, you also stated yesterday that on the 27th and 28th of December, that there was no air unit under your command. Will you tell the Commission whether that was correct?

A I misunderstood the question. When I was asked that question I thought whether the naval units were under my command. I did not mean the Army Air Force were not under my command. The Army Air Force was under my command.

Q On the 27th and 28th of December --

A From the beginning up to the end of my time I had some air force.

Q When you said this morning that General Wainwright did not offer to surrender the four fortified islands, what did you mean?

A What I meant was he did not specifically mention the surrender of the four islands of the fortress.

Q Was there any definite offer of the surrender of those four islands?

A There was no definite offer of the surrender of those four islands.

Q Do you mean in those words?

A Not in his own words, no.

COLONEL MEEK: In what words does he mean?

Q (By Major Skeen) Will you explain what your belief was as to General Wainwright's intentions?

A At the meeting?

Q Yes, at the meeting.

A When he said he was a commander of the forces, the force in Luzon, there was no organized troops except the fortifications in the Manila Bay, and I understood what he meant was the surrender of those four fortified islands.

Q Who prescribes the maximum sentences for offenses in the Japanese Army?

A It was set out in the Manual for Courts-Martial.

Q By whom was that Manual published?

A It was published by the War Department.

Q Now, based on your knowledge as a former Army officer, can you tell the Commission what the maximum, what is the maximum sentence prescribed for the offense of rape?

A Well, I cannot say I could be very accurate on the

point, but I think it is six years at hard labor.

GENERAL DONOVAN: Are you going to change the subject?

MAJOR SKEEN: I have one more question on this subject.

GENERAL DONOVAN: Would you carry this on over into the military tribunals? If you don't do it we are going to do it.

Q (By Major Skeen) Is there any offense in the Japanese Army equivalent to absent-without-leave?

A Yes, there are. You mean desertion?

Q Does the offense of desertion include every absence of a soldier, regardless of the length of time or the circumstances under which that absence occurs?

LIEUTENANT ONODERA: Will you read that question?

(Question read.)

A Yes, it includes all the cases, but punishment differs whether it was in peace time or war time.

GENERAL DONOVAN: The Commission will recess until 1330.

(Whereupon, at 1130 hours, a recess was taken until 1330 hours, 7 February 1946.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution are present and we are ready to proceed.

GENERAL DONOVAN: There was a translation of the case against Staff Sergeant Shigeru Takahashi. I have copies of this and I want to give it to both the Prosecution and Defense. We will take that up later on.

MASAHARU HOMMA

the Accused, a witness in his own behalf, on the stand at the time of recess, having been previously duly sworn, resumed the stand and testified further as follows, with Lieutenant Onodera translating the questions only:

REDIRECT EXAMINATION (resumed)

Q (By Major Skeen) I direct your attention to this record for courts-martial. Would you be in a position to know whether the sentences set out in this report were in fact fully served?

A You mean was I?

Q Are you now, or were you ever in a position?

A I am in a position if I want to know about it, because every offender's service record is kept in the unit, so that service record can be checked.

Q Do you mean to say that the way you would find out whether these sentences were served is to check the service

record of the individual man?

A Yes, that is what I meant.

Q When you refer to the release of prisoners of war, do you mean only Filipino prisoners?

A That is what I meant, only the Filipino prisoners of war.

Q Did the Japanese people consider it dishonorable and disgraceful for a Japanese soldier to surrender?

A Surrender is considered in Japan dishonorable. Our boys have been brought up to die in the field rather than surrender, and in the Army we train men not to surrender, and all the fathers instructed their sons, before they departed for the theater, to die in the field and not to surrender.

Q Did you believe General Wainwright when he said he no longer commanded all of the troops in the Philippines, and had not commanded all of them for about a week?

A No, I did not in fact believe it. The reason was as I stated yesterday.

COLONEL MEEK: May I have that read.

(Record read.)

Q (By Major Skeen) If a subordinate commander to General Wainwright had been in command of the four fortified islands in Manila Bay and had offered the surrender to the local Japanese commander, would that offer have been accepted?

COLONEL MEEK: If it please the Commission, I object to that. The record here in this case speaks for itself, and to have now, almost four years later, this witness

testify as to what would have happened -- it is what did happen.

MAJOR SKEEN: I think the witness is perfectly qualified to answer that question.

GENERAL DONOVAN: The witness may answer the question.

Read the question.

(Question read.)

MAJOR PRATT: By whom?

MAJOR SKEEN: By the local Japanese commander.

A Yes, it would have been accepted.

Q (By Major Skeen) Who approved the verdict of a military tribunal?

A The persons who appointed the commission. If I appointed a commission, I approved it, and if the Director of Military Administration appoints the commission, he was the man to give the approval. If the commander of a unit in an isolated place appointed the commission, he was the man who gives that approval, and his approval was final.

MAJOR SKEEN: May I have that answer read?

(Answer read.)

MAJOR SKEEN: I have no further questions.

GENERAL DONOVAN: Colonel Meek?

RECROSS EXAMINATION

Q (By Colonel Meek) In view of your statement that you would have accepted the surrender from a subordinate of General Wainwright, am I now to understand that General Wainwright did offer to surrender and you refused to accept his surrender of the four islands?

A As in the case of General King, if the commander of

the fortress offered the surrender of the fortress, that would have been accepted. That is what I meant.

COLONEL MEEK: May I get the answer read?

(Answer read.)

Q (By Colonel Meek) Who was in command of Corregidor and who was in command of the islands in the Manila Bay at that time?

A The commander of the fortresses.

Q Was that General Wainwright?

A I do not think so.

Q Didn't General Wainwright tell you that is all he did command?

A He said he was the commander of the forces in Luzon.

Q Didn't he say the only forces he had left were on the four islands in Manila Bay?

A He said he was a commander of the forces in Luzon.

Q We are talking about Wainwright. General King had already surrendered. Were there any forces in Luzon? Do you mean all that were remaining in Luzon, is that what you mean?

A He said he was a commander of the forces in Luzon, and I was sure he was the commander of the forces.

Q Did you ask him if there was anyone else in command at Corregidor and the other islands?

A Previous to the surrender of Bataan General Wainwright was at his headquarters in Bataan. I was sure that there was a commander of the fortress.

COLONEL MEEK: No further questions.

EXAMINATION BY THE COMMISSION

GENERAL DONOVAN: I am now reading from Colonel Pugh's testimony, Volume XVIII, page 2389.

You had better tell him that.

(Translated to the witness by Lieutenant Onodera.)

GENERAL DONOVAN: This has reference to the time when General Wainwright was held in Manila after surrender.

The question was (reading):

"Q Colonel, when were the terms of surrender, as offered by General Wainwright, accepted by the Japanese?"

I am not asking him the question; I am just reading. I want him to be sure to get the question.

Now, this is the answer (reading):

"A I should say June the 9th of 1942. . . . On June 9th of 1942, a little simple notation was given to General Wainwright, which read as follows:" --

Now, this is the part I want him to listen to very carefully (continuing reading):

"'The troops under your command have now surrendered. Your command ceases and you have now become a prisoner of war and will, today, be conducted to a prisoner of war camp at Tarlac.' . . . "

Q (By General Donovan) Who signed that note, if such a note was given? That is the question I want to ask him now.

A I came to know the facts when I heard the testimony given by Colonel Pugh in the court.

GENERAL DONOVAN: Read that answer.

(Answer read.)

Q (By General Donovan) Did you authorize such a note?

A I knew nothing about it.

Q Was General Wainwright a prisoner of war while he was in Manila after the surrender of Corregidor, after he left Corregidor?

A Yes, he was.

Q Staff procedure in the Japanese Army, as explained by you, is not unlike staff procedure in the American Army.

Do you, as Commander-in-Chief of the 14th Army, consider yourself responsible for the actions of your staff and subordinate commanders?

A I am morally responsible.

Q Was General Yamashita considered as part of your pro-Liberal group in the Japanese Army?

A I do not want to say anything against General Yamashita, but he was trained in Germany.

Q You can answer one way or the other; it doesn't make any difference. You can answer yes or no; it doesn't make any difference. He was either in your group or out of your group, one way or the other.

A Out of our group.

Q What was General Tojo's basic branch -- Infantry, Cavalry, Artillery, or Field --

A He was an infantryman.

Q General Yamashita?

A Infantryman.

Q Your branch?

A Infantryman.

Q How do you explain the move of the 48th Division to

the south in January? Not too detailed.

A Because it was the best equipped division in our Army.

Q Is that the reason for the move?

A I believe so.

Q (By General Gard) What were the functions of the Second Bureau of the Imperial General Staff when you headed that Bureau?

A The Second Bureau deals with intelligence -- an Intelligence Office.

Q It is similar to what in the American Army? Is it the G-2 Section?

A Well, I do not know. I am not aware of it.

Q You considered the medical officer and ordnance officer in the 14th Army as staff officers?

A When we say "staff officer," it always means the officers in the First Section and Second Section. Medical officers and ordnance officers are not included when we say "staff officers."

Q Yet -- they have no command responsibilities, is that true?

A Medical officers and ordnance officers, they have no commanding function.

Q (By General Donovan) Did you, or did you not, send and receive daily dispatches from Tokyo after your arrival in the Philippine Islands?

A I do not know, but not daily.

Q How did you receive word about the 48th Division moving to the south?

A When the staff officers of the headquarters were sent to transmit that order.

Q Were there any moving pictures taken of the Bataan March?

MAJOR SKEEN: If the Commission please, I would like to say at this time that we have about a minute and a half run of film taken by a Japanese civilian of that march if you would care to see it.

GENERAL DONOVAN: If he does not know, it doesn't make any difference. It is not that important. I wanted to know if he knew whether any pictures were taken of the Bataan March.

MAJOR SKEEN: The film is available if the Commission wants to see that.

THE WITNESS: I saw the picture, but not particularly about the march. I saw the pictures covering the full campaign.

Q (By General Donovan) It would appear from your command chart that the chief of Military Administration about whom we have talked so much in this trial is as much under your control although he is stationed in Manila and you in Bataan, as were any troops of your command who might have happened to have been stationed in Aparri, Stotsenberg or Lipa. Is that so?

A It was under my command, but during the time from March 1st until the end of my return to Manila, he had special relations with the Southern Army Headquarters that is different from other units.

Q What are those dates, March 1st to what?

A The end of my return to Manila.

Q I want to find out what that means.

A On the 9th of May I came back to Manila.

Q 9 May 1942?

A Yes.

Q Did you have written instructions in connection with this change of command?

A I believe General Wachi brought the answer from the chief of staff of the Southern Army when he arrived.

Q How did they return the Military Administration to your command? Was it by written order or by oral orders?

A I think I sent the report of my return to Manila by wire to the Southern Army Headquarters, and I believe there was a wire from Saigon.

Q Were you relieved of responsibility, all responsibility, for military administration during that period, March 1 to 9 May?

A I understood by that order that my responsibility as far as the Military Administration was concerned was absolved during that time.

GENERAL DONOVAN: Read that answer.

(Answer read.)

Q (By General Trudeau) How many motor trucks, motor vehicles, did you have in the 48th Division?

A My idea at the time was about 300.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Q (By General Trudeau) Was the regiment of the 16th Division that marched down Tarlac Road the only troops on your west flank or right flank when the 48th Division reached Manila?

INTERPRETER ONODERA: When the 48th Division reached Manila?

GENERAL TRUDEAU: Right.

THE WITNESS: The 19th Regiment were infantry; part of the 19th Regiment were infantry.

Q (By General Trudeau) What previous battle experience had the 4th Division and the 21st Brigade or the Nagano Detachment had before coming to the Philippines?

A The 4th Division was brought out from Central China, and the -- yes, it was in North Machuria and was brought down to Central China, and in 1940, I suppose it was, and the Nagano Detachment was a part of the division which was stationed, I believe, in South China. I am not sure of the number of the division.

Q Those are the units that carried your main attack on the left flank in the final assault on Bataan, is that right?

A The Nagano Detachment was held in reserve for the first two days and put into action, I believe, the evening of the second day of the offensive.

Q Are they the units that captured most of the American prisoners and that conducted them to the rear?

A I do not say so, because at the Bataan surrender the prisoners of war came out from all directions toward Balanga, so I do not think those are the only units which mainly had the prisoners.

Q Do you happen to know what Japanese troops did conduct American and Filipino prisoners of war back to San Fernando?

A You mean guards?

Q Yes, guards.

A Guards were provided amongst the troops under the command of the line of communications commander.

Q Were military administration officers gazetted or not?

A Some of them were gazetted, particularly to the administration, and some were simply gazetted as attached to the headquarters.

Q Were Military Administration officers and officers of the Kempei Tai gazetted together in one list under one head?

A I remember the few officers of the Military Police were gazetted as the members of the Military Administration, but as to the others I do not remember.

Q Do you know why General Wachi replaced General Maeda as your chief of staff?

A I have some idea of the reason.

Q Would you give us your best opinion?

A My opinion?

Q Yes.

A When we entered into Manila, as I stated, nearly all of my headquarters except myself and a few officers, staff

officers in the operations section, went into Manila and General Maeda came into Manila and stayed here. If the tactical situation went well in Bataan that would have been all right for everybody, but when General Wakamatsu of the Imperial Headquarters came he found the chief of staff in Manila and myself in San Fernando, but he knew the battle was not being carried as we wished, so that was reported to the General Headquarters. That is the chief reason, in my opinion.

Q Didn't you order General Maeda back to your own headquarters, together with the members of your tactical staff?

A I did, and they were just coming at that period, and General Wakamatsu came in. I called General Maeda to San Fernando, and I called the others, gave the order that all officers should come to San Fernando, and they are all coming. At that moment Wakamatsu came.

Q How often did you confer with your division or major unit commanders in person? For instance, the 4th Division that bore the brunt of your main attack on Bataan?

A I might mention the commander of the 4th Division had been under my command before; when I was the commander of a brigade he was a regimental commander under me. When he arrived at Lingayen he came to San Fernando and had a talk. Then I called him to San Fernando again before the operation.

I went to his headquarters in Bataan previous to the second offensive; I had three occasions to have a talk with the commander of the 4th Division.

Q Did all commanders who had authority to appoint mili-

tary tribunals possess the power to approve death sentences?

A I believe they had.

GENERAL TRUDEAU: No further questions.

Q (By General Valdes) When the plan for the evacuation for American and Filipino prisoners of war was submitted to you for your approval did it contain appropriate measures to provide sufficient food, drinking water and sanitary toilet facilities for the prisoners of war during the march?

A There were the plans for the provision of those matters; I mean included in the original plan.

Q Did you designate any of your staff officers to check if this plan was properly carried out during the march?

A I did not point out any particular staff officers, but the duties of those staff officers, who were in charge of the prisoners of war, to inspect or see the conditions, how they are being marched.

Q When you received the report of the excessive number of deaths of American and Filipino prisoners of war in Camp O'Donnell, what measures did you take to reduce that number of deaths?

A When it was reported about the condition of the prisoners of war by Major General Kawane, he explained that he was trying to do the best to improve the conditions, and trying to get medical supplies, and he found it difficult obtaining them, and he said he was trying to obtain the medicine and the drugs, pharmaceuticals in Manila -- and soon after help from the Filipino Red Cross and the general hospitals were going to the camp, and I knew that

the requisition for medical supplies and the food were repeatedly sent to Saigon and to Tokyo, and they had not much effect. So that set me thinking. I finally came to the conclusion to release the prisoners of war was the quickest means to ease the situation.

Q Did you take any disciplinary action against the Japanese officers in charge of the camps for these excessive number of deaths?

A As I was given to understand the main causes of the deaths were malaria and malnutrition, I did not punish the camp commander. However, I took measures to remove him and replace him by a better officer of higher rank.

Q (By General Gard) When you received the orders for the invasion of the Philippines, you stated it was about the 15th of November, 1941. Were you satisfied with the assignment of medical units and installations to your army?

A I was not satisfied, but I must do with what I was given.

Q Did you make any effort to secure more?

A That demand was made to Tokyo.

Q Before you left Taiwan?

A I do not recollect whether before or after.

Q What were Colonel Horiguchi's duties when he was assigned to the 14th Army?

A He was the chief of the medical department in the army headquarters.

Q Was he your adviser in medical matters?

A Yes, he was.

Q Did you consider his work satisfactory during the

period you were in command of the 14th Army?

A While I was in the Philippines I did not have much reason to be dissatisfied with his work.

Q Did you have any reason to be dissatisfied with it?

A At the time I did not.

Q Did you ever discipline him?

A I did not.

Q What battle experience had the 16th Division had when it came under your command as commander of the 14th Army?

A It engaged itself in the battle in Central China.

Q Did it take part in the campaign in the Malaya Peninsula?

A It did not.

Q What was the 16th Division's reputation in the Japanese Army at the time? Was it considered a good division, an average division or a poor division?

A Do you mean in the fighting qualities? It did not have a very good reputation.

Q It did not have a good reputation? What was the reputation for discipline?

A Less than the average.

Q Less than average. And did you take more than average steps to see that they obeyed your instructions?

A I did when I went up to Tokyo and I was told that I was going to have the 16th Division under my command. I called the commander of the 16th Division, and on the way back to Formosa to my former position I told him, "Your division should be particularly careful about the

campaign in the Philippines," and he knew that already and he quite agreed, and he said he should be very careful about it.

Q How long had that division commander had command of the 16th Division?

A I cannot recall.

Q Did you tell General Wainwright during your conference with him that if he did not surrender all of the USAFFE forces you would continue the attack on Corregidor?

A To my best recollection that inference was not made during the conference I had with General Wainwright.

Q You should answer my question yes or no.

A No.

GENERAL DONOVAN: When did you see the commanding general of the 16th Division? When did you talk to the commanding general of the 16th Division about the disciplinary business?

A The matters I mentioned, that was between the 15th and 20th of November, 1941.

Q (By General Trudeau) How long had the 48th Division been in amphibious training in Formosa?

A That division was brought back to Formosa, and they had been in Formosa about two months.

Q Had you been giving them amphibious training?

A When it went out to China it was an ordnance division, and it came back as a mechanized unit. The movements I saw were marching, advanced training.

Q In landing craft, that is all I want to know. Was there amphibious training?

A I did not see any landing training.

Q You mean that you landed that division at Lingayen without ever having trained them in landing, debarking from transports to landing craft and from landing craft to shore?

A All the units were being trained in landing action.

Q For how long?

A I cannot say about that 48th Division. All the units were instructed to keep on the training for the landing.

GENERAL DONOVAN: The witness is excused.

MAJOR SKEEN: May I ask one question to straighten out one thing? I think the witness misunderstood.

REDIRECT EXAMINATION

Q (By Major Skeen) When you stated to the first question by the Commission the answer 300 trucks, will you explain whether those trucks belonged to the 48th Division or to your entire army?

A I thought it was the entire army.

Q Do you know how many trucks the 48th Division had?

A The 48th Division only?

Q Yes.

A I cannot give the number.

MAJOR SKEEN: I have no further questions.

COLONEL MEEK: May I ask one question?

RECROSS EXAMINATION

Q (By Colonel Meek) You have testified to being pro-English. Do you include in the term pro-English that you were pro-American?

A When I use the term in this situation it is the more liberal-minded group than the others.

Q You make a distinction between pro-German and pro-English, is that right?

A There are some between those two groups, some not very clearly defying the pro-German and/or pro-English. Those officers who were in General Staff or War Department were in either one or the other group.

GENERAL DONOVAN: The witness is excused, and there will be a five minute recess.

(Witness excused.)

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

Major Pratt, was this translation of this case against Sergeant Shigeru Takahashi made by the interpreter section?

MAJOR PRATT: Yes, sir.

GENERAL DONOVAN: This will be made part of the record in this case. Mark it as a Commission Exhibit.

(Translation was received in evidence and marked Commission Exhibit No. 1.)

LIEUTENANT PELZ: At this time the Defense wishes to offer evidence as to Specification 1. I shall ask that this affidavit be marked for identification Defense Exhibit L, affidavit of Miss Consuelo Marcaida.

(Affidavit was marked Defense Exhibit L for identification.)

LIEUTENANT PELZ: The Defense offers this in evidence as Exhibit L.

COLONEL MEEK: May I see that exhibit, please? If the Commission please, at this time we have no objection to the introduction of that exhibit other than the witness is present in Manila and could be brought here as a witness. We endeavored to get the counsel for the Accused to submit this matter on deposition. Failing in that the prosecution has secured an affidavit from the same person by way of explanation that we desire to be submitted in conjunction with this exhibit; and at this time I now ask to have marked for identification Prosecution's Exhibit 424.

LIEUTENANT PELZ: If it please the Commission, I am not clear at this point whether the Prosecution is objecting to our affidavit or seeking to introduce another.

GENERAL DONOVAN: The Prosecution has stated they do not object to your affidavit, but the party concerned is available in Manila, and he desires to submit a counter-affidavit.

COLONEL MEEK: Not a counter affidavit, an affidavit as to certain terms.

LIEUTENANT PELZ: I would like to point out this mention of deposition by Prosecution is the first I have heard of it. No one ever approached me and asked if I wanted a deposition taken. First when the Defense prepared its case the understanding was it would be the standard procedure to introduce affidavits of Filipino witnesses, and that was the first reason why it was originally prepared.

GENERAL DONOVAN: I do not see where you received the impression that the Commission would rather have affidavits where Filipino witnesses were available. A number of the Filipino witnesses have been placed on the stand in the last few days for the Defense.

We won't argue that point at all. So far as the affidavits are concerned, the Commission will accept the affidavit; however, if the witness is available in Manila we would like to have him. If the witness is available we want the witness brought here.

In the meantime the Commission will accept the affidavit for whatever probative value we may want to give it.

(Defense Exhibit L for identification was received in evidence.)

LIEUTENANT PELZ: I might point out that the Prosecution has introduced affidavits of witnesses who have been available, and these affidavits have been received into evidence.

GENERAL DONOVAN: Your affidavit is being accepted into evidence, or has been accepted.

COLONEL MEEK: Is it understood that Prosecution's Exhibit 424 is also accepted?

GENERAL DONOVAN: Up to this point we are accepting the affidavit, and we will try to get the witness, if the witness is available. Your affidavit may be submitted on your rebuttal testimony.

COLONEL MEEK: My purpose on the offer at this time was so that the record would be clear on the matter.

GENERAL DONOVAN: Put it in when your time comes.

LIEUTENANT PELZ: I now request that the affidavit of Emilio Blanco and A. Sidler be marked for identification as Defense Exhibits M and N.

(The affidavits referred to were marked Defense Exhibits M and N for identification.)

LIEUTENANT PELZ: As to these affidavits, I should like to point out to the Commission these are more or less non-controversial matters about which I do not think there is any need of calling these witnesses. I would like to read these affidavits if they are accepted into evidence.

COLONEL MEEK: I have no objection to those.

GENERAL DONOVAN: That is all right. They will be accepted.

(Defense Exhibits M and N for identification were received in evidence.)

COLONEL MEEK: I want to point out again that the witnesses are available, and I believe they are both in the Consular Service, one in the Spanish Consular Service and one in the Swiss Consular Service. We were able to bring a man here from the French Consulate, and I believe these witnesses are available and can be brought here.

GENERAL DONOVAN: Well, the same decision goes for these affidavits. They will be accepted for whatever probative value the Commission desires to give to them.

If the witnesses are available, we will have them brought in.

LIEUTENANT PELZ: I might say in that connection that Mr. Sidler is quite ill, having suffered from a nervous breakdown, but Mr. Blanco is in good physical condition.

I would like to read Exhibit L (reading):

"Q Were you employed by Caltex Limited in December, 1941?

"A Yes.

"Q Do you remember the time when Manila was declared an 'open city'?

"A Yes.

"Q Did you see any American troops in Manila after that time?

"A Yes, I did. They were leaving the city. I also saw American troops blow up the Caltex fuel tanks at 6:00 p. m. on 31 December 1941. I could see them from my home directly across the river.

"Q Do you have any records concerning the destruction of the fuel tanks?

"A We have affidavits at Caltex Limited by employees of the firm who certified that the fuel tanks were destroyed at 6:00 p. m., 31 December, by United States Army authorities.

"Consuela Marcaida."

Defense Exhibit M, the statement of Emilio Blanco (reading):

"Q What is your position at the present time?

"A Acting Consul for the Spanish Government.

"Q What is your address?

"A The Annex to San Sebastian Church, Manila.

"Q Were you in the Consulate in December, 1941?

"A Yes, I was Chancellor at that time.

"Q Did either General MacArthur or President Quezon make arrangement to the Spanish Consulate to notify Japan

of the proclamation declaring Manila an 'open city'?

"A Not to my knowledge.

"Q Were the services of the Spanish Diplomatic Service in any way employed to communicate the information as to Manila being an 'open city' to the Japanese Government?

"A Not to my knowledge. I am sure that I would have known of it if it had been used."

The affidavit of Mr. A. Sidler reads as follows (reading):

"I, A. Sidler, being first duly sworn upon oath depose and say that on December 7, 1941, and prior thereto, I was Consul of Switzerland in the Commonwealth of the Philippines, and that shortly after December 7, 1941, I received a request from Hon. Francis B. Sayre, then U. S. High Commissioner for the Commonwealth of the Philippines, to take charge of Japanese interests in the Islands. After obtaining confirmation of my authority to so act from the Swiss Minister to the United States, I did assume charge of Japanese interests in the Islands.

"Thereafter until the surrender of American and Filipino armed forces I continued so to act, and I continued as Consul of the Swiss Government during the Japanese occupation of the Islands, semi-officially, as spokesman of the Swiss community.

"I did not at any time, either on December 26, 1941, or subsequent thereto, receive any communication from General Douglas MacArthur, or any responsible officer under his command, or from the President of the Commonwealth, or from the U. S. High Commissioner, to be transmitted to

the Japanese Government advising that government that the City of Manila had been declared open and undefended. Moreover, to the best of my knowledge and belief, no such communication was made through the Swiss Legation in December, 1941."

I now request the affidavit of Alfred T. Smith be marked Defense Exhibit O, and the affidavit of James F. Perrine be marked Defense Exhibit P.

(The affidavits referred to were marked Defense Exhibits O and P for identification.)

GENERAL DONOVAN: Where do they reside?

LIEUTENANT PELZ: In Manila, I believe.

GENERAL DONOVAN: If they are outside of Manila, it doesn't make any difference.

LIEUTENANT PELZ: Mr. Perrine is in Cebu, but Mr. Smith is in Manila, but is in the hospital under doctor's care.

I now offer into evidence Defense Exhibit O, the affidavit of Alfred T. Smith.

COLONEL MEEK: I will call the Commission's attention to the fact that these are exhibits -- these exhibits apparently were sworn to and taken in November of 1945, and apparently they were taken in connection with claims of these affiants for reimbursement against the United States Government and have no application or reference to this case at all.

Again there being no opportunity to cross examine the witness --

Do you say one of the witnesses is here in town?

LIEUTENANT PELZ: Is in the hospital.

COLONEL MEEK: Due to the fact that these, from the face of them, appear to have been taken in November of 1945, and for a purpose other than this trial, I submit to this Commission that they are entirely out of order. They were taken for a purpose that may be -- I want to submit to this Commission -- that if these gentlemen were on the stand their testimony might be entirely different. In all probability it would be. One of them being here, I submit that these should not be accepted, and we, therefore, object to them.

GENERAL DONOVAN: The Commission will take the affidavits for whatever probative value they have. They will be received in evidence.

(Defense Exhibits O and P for identification were received in evidence.)

LIEUTENANT PELZ: I will also offer the affidavit of James F. Perrine, Defense Exhibit P.

GENERAL DONOVAN: What were the two you talked about?

LIEUTENANT PELZ: I specifically offered O.

GENERAL DONOVAN: Do you have the same remarks as to P?

COLONEL MEEK: Yes, the same remarks.

GENERAL DONOVAN: My same remarks apply here.

The affidavits have been accepted for whatever probative value they may have.

Do you want to read this entire affidavit?

LIEUTENANT PELZ: No, sir; about three paragraphs (reading):

"That from December 8, 1941, to December 31, 1941, there were USAFFE officers and soldiers in and out of the installation of the Company in Pandacan, and there were also Philippine Constabulary men who took the necessary precautions to keep out civilian and unauthorized persons" --

COLONEL MEEK: Continue reading the rest of it and save me from doing it.

LIEUTENANT PELZ (continuing reading): -- "and to see to it that there was no sabotage or espionage in that part of the city;"

Then continuing (reading): "That on various dates between December 8 and December 31, 1941, as per instructions received by the affiant from authorized officers of the United States Army, some of the Company's Gas, Oil, Gasoline, and Kerosene stored in the Company's storage tanks was allowed to flow into the Pasig River by opening the pipe lines. The affiant can not state exactly the quantity taken from the storage tanks, but between the said dates there was a continuous movement of Army trucks in and out of the Company's bodegas taking full loads of our lubricating oil in 54-gallon drums, Gasoline in 5-gallon tins and Gasoline in 54-gallon drums from our installations;

"That during the period between December 28 and December 31, 1941, it was customary for the Company to load not only the Company's own tank cars, but also tank cars of other oil companies which were carrying gasoline for the use of the U. S. Army, and those tank cars were always filled by the Company, and they were eventually taken by the Army to their special destinations;

"That it was the affiant's understanding, after the order to blow up the plant was issued, that the tank trucks and stake trucks were to proceed to Bataan;

"That on or about December 31, 1941, U. S. Army officers set fire to the Company's installation in Pandacan; that the affiant watched the fire from the other side of the river from Pandacan, and from what he could see it was a very good demolition job;"

At this time I would like to read from the affidavit of James F. Perrine (reading):

"That on December 30, 1941, employees of the Company working in Pandacan were ordered by the Army to puncture all drums of lubricating oils stored outside the warehouses;

* * * * *

"That at 3:00 p. m. on December 31, 1941, it was ordered by U. S. Army officers that all trucks be loaded with products and to proceed to Bataan, and all Company employees vacate the entire area;".

GENERAL DONOVAN: Colonel Meek, do you have anything at all?

COLONEL MEEK: Nothing at all, sir.

LIEUTENANT PELZ: At this time I would like to offer into evidence the affidavit of Manuel Salintes, whose affidavit has previously been marked Defense Exhibit D, and it was requested by the Commission that we adjourn that matter until now.

GENERAL DONOVAN: Where is his residence?

LIEUTENANT PELZ: He is an officer in the Philippine Army.

GENERAL DONOVAN: Where is his residence?

LIEUTENANT PELZ: I assume it is in Manila. I am perfectly willing to hold these off and call the officer to the stand.

GENERAL DONOVAN: All right. That will avoid any conversation on the subject right here.

LIEUTENANT PELZ: I request that the affidavit of Alberto Q. Ubay be marked for identification as Defense Exhibit Q.

(The affidavit referred to was marked Defense Exhibit Q for identification.)

COLONEL MEEK: No objection.

GENERAL DONOVAN: It is accepted.

(Defense Exhibit Q for identification was received in evidence.)

LIEUTENANT PELZ (reading): "I, Alberto Q. Ubay, First Lieutenant (PA), assigned to duty with the office of the Judge Advocate General Service (PA), 37 years of age, residing at 28 A Lake Street, San Juan, Manila, after being duly sworn to in accordance to law depose and say:

"That I was a civilian in Leyte at the time the Japanese Army made their first invasion of the Islands (Leyte);

"That I do not remember the exact date of that landing but it was two or three weeks after the invasion of Cebu; it was the latter part of April or the first of May, 1942; and

"That there were no members of the Japanese Army in Leyte until this landing was made."

GENERAL TRUDEAU: What specification is that in connection with?

LIEUTENANT PELZ: 40, sir.

GENERAL VALDEZ: That is Exhibit Q?

LIEUTENANT PELZ: Yes.

LIEUTENANT NATAUPSKY: At this time the Defense desires to offer the affidavit of Shiro Ozaki and asks that it be marked Defense Exhibit R for identification.

(The affidavit referred to was marked Defense Exhibit R for identification.)

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: The only objection that the Prosecution has to offer of this is practically all of the second page of it, which is apparently a statement of the witness or the affiant, and is purely hearsay and does not indicate that he knows any of the statements therein of his own personal knowledge.

GENERAL DONOVAN: The Commission will decide that.

COLONEL MEEK: I wanted to call the Commission's attention to that at this time.

GENERAL DONOVAN: Any other objections to it?

COLONEL MEEK: I would like to inquire, if the Commission is going to make any ruling as to the number of character affidavits and character witnesses that the Accused is going to be permitted to put in.

Now, I believe this one, and the other affidavit, have to do with character, is that right, Major Skeen?

MAJOR SKEEN: There are four character affidavits.

GENERAL DONOVAN: How many more affidavits do you

have to offer?

MAJOR SKEEN: I believe there are four character and two others that we have to offer.

GENERAL DONOVAN: Anything further, Colonel Meek?

COLONEL MEEK: That is all.

LIEUTENANT NATAUPSKY: I would like to read from this affidavit.

GENERAL DONOVAN: All right.

(Defense Exhibit R for identification was received in evidence.)

GENERAL DONOVAN: Just read the pertinent parts, the gist.

LIEUTENANT NATAUPSKY: All right, sir (reading):

"In May, 1942, Field Marshal Terauchi made an inspection tour of the Philippine Islands. Field Marshal Terauchi was Chief of Staff of the Southern Pacific Forces. The 14th Army was under the jurisdiction of the territorial command of Field Marshall Terauchi. Field Marshal Terauchi was not pleased with the manner in which General Homma was carrying out his occupational duties. He complained that General Homma was too soft regarding the treatment of Filipino civilians and prisoners of war. After Field Marshal Terauchi left the Philippines General Homma continued to carry out his occupational duties in the same manner as existed prior to Field Marshal Terauchi's inspection tour. However, there was a great deal of unrest among the subordinate officers. Before the outbreak of the war General Homma was considered by many Japanese as being a pacifist. Since General Homma spent quite a few years in

England and spoke English fluently and also because of his British contacts his popularity among the Japanese people was quite unfavorable. General Homma is a very fine person, literary, cultural, homeloving, and peace-loving individual. General Homma as an individual not only read a great deal of literature, but also did some writing; his writings consisted of plays, and poetry, not only that, but General Homma was a composer of music. It is my opinion that General Homma would make a better civilian than an army man.

"At this time when Japan is trying to build herself on a democratic basis, men of General Homma's calibre are greatly needed.

"Shiro Ozaki

"Sworn to and subscribed before me this 2nd day of January, 1946.

"Stanley M. Corbett

"Captain, JAGD"

The Defense calls as its next witness General Suganami.

ICHIRIO SUGANAMI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lieutenant Nataupsky) Will you please state your name?

A My full name is Ichirio Suganami.

Q And what is your present occupation?

A My present occupation is on the official staff of the Riken Industrial Corporation, and in charge of liaison between our corporation and SCAP.

Q Have you been retired from the Japanese Army?

A I retired in 1944.

Q What rank did you hold at the time of your retirement?

A Major General.

Q Did you ever serve in the Philippine Islands under the command of General Homma?

A No, I never served in the Philippines.

Q How long have you known General Homma?

A About 20 years.

Q Will you please briefly state the position you held in the Japanese Army and the schools you attended?

A Mostly general staff, and twice military attache to Canada and England. Prior to that I went to England as a language officer and was attached to the Military College at Sandhurst, and in other regiments under General Homma's supervision.

Q Based upon your many years of experience in the Japanese Army, can you state whether it is possible for any Army commander to relieve an officer that has been appointed to his position by order from the Imperial General Headquarters in Tokyo?

A No, he cannot.

Q Is a chief of staff of a field army appointed by General Headquarters in Tokyo, or by the Army commander?

A The same; he cannot remove --

Q I am sorry; you did not get the question.

Is a chief of staff of a field army appointed by order from the General Headquarters in Tokyo, or by the field army commander?

A Oh, he is ordered by GHQ in Tokyo.

Q Can he be dismissed by an Army commander?

A No.

Q Does the same hold true for deputy chiefs of staff?

A The same, yes.

Q Who appoints staff officers?

A Staff officers?

Q Yes.

A Tokyo.

Q Can they be relieved by an Army commander?

A No.

Q Can a commanding officer of the Military Police be appointed by an Army commander?

A No; he is appointed by Tokyo GHQ.

Q Can he be relieved by an Army commander?

A No.

Q Who appoints an officer as company commander?

A Also Tokyo decides the appointment.

Q Can he be appointed by the -- when Tokyo appoints him, do they appoint him to a specific company. Do they appoint him to a specific company?

A In the regiment, the regimental commander can appoint him to a company.

Q Within that regiment?

A The regiment commander is authorized to do that.

Q Can he be used as anything else but a company commander?

A No.

Q Does the same hold true for battalion commanders?

A Yes, the same principle.

Q If a battalion commander is killed in action who assumes command?

A The next senior officer should command.

Q Is it a temporary or a permanent assignment?

A It is temporary.

Q Who appoints a permanent battalion commander?

A Tokyo appoints.

Q Can the army commander appoint any officer as a permanent commanding officer of a unit?

A No, army commander cannot do that. He can recommend to headquarters in Tokyo, but he is not authorized to appoint.

Q Did you ever serve with General Homma in England?

A Yes, from 1929 to '31.

Q In what capacity? What position did you hold?

A I was a language officer under his command.

Q What was the reputation of General Homma among his English associates?

A General Homma's reputation was very good, and he was highly esteemed and respected and liked by everyone there.

Q What can you say concerning General Homma's policies and principles?

A Well, his policy was so-called pro-Britain and his opinion was Japan should always be in concord with Great Britain and the United States, and we must be righteous. We must respect the treaty, and it is the best way for Japan to be prosperous and contribute to the world at peace.

LIEUTENANT NATAUPSKY: That is all I have.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: No questions.

EXAMINATION BY THE COMMISSION

Q (By General Donovan) How does it happen that they picked out General Homma to command the Philippine Islands if he were pro-American? That was a very important assignment at the time. How do you reconcile your statement?

A Interpreter, will you please translate that?

(Question interpreted by Interpreter Onodera)

THE WITNESS: My personal opinion is as follows: General Homma was the commander-in-chief of the Formosa Army, and he is one of the ablest generals, and the General Headquarters wanted to occupy the Philippines as soon as possible, and he is most suitable to take that position, notwithstanding Tojo has rather antagonistic feelings as far as political opinion is concerned; he is a strategist and he is very famous for his tactics and strategism.

Q (By General Trudeau) If General Homma or any other commander found it necessary to establish a camp that was not set up within his table of organization or order of battle, couldn't he appoint a commander of that camp or relieve the commander and put a new one in?

A It depends on circumstances.

LIEUTENANT NATAUPSKY: Sir --

GENERAL DONOVAN: Just a moment. What was it you wanted to say?

LIEUTENANT NATAUPSKY: This witness was not in the Philippines. He is not --

GENERAL DONOVAN: The witness may answer the question.

It doesn't make any difference where he was.

A If it is a temporary unit established by himself and he has several officers attached to his headquarters he can do that, but when the unit's camp was established the head of the camp was appointed by Tokyo he couldn't relieve him.

Q The head of the camp wouldn't be appointed by Tokyo until the installation became a recognized part of his organization or was included in his orders of battle, is that correct?

A I think so, but I don't know the real situation.

GENERAL DONOVAN: There are many able generals in the Japanese Army. There were many able generals in the Japanese Army.

A I think there were many.

Q (By General Donovan) Doesn't it seem a little unreasonable that the high command would select a man for the invasion of the Philippine Islands just at the start of the war that did not agree with their policies?

A No, I don't think so.

Q What was your job?

A Operation. And peace time policy, opinion about foreign policy is quite different. Once war is declared we all obey the command, highest command, so the able general is appointed as commanding officer.

Q What was your position in the war?

A Mostly general staff, in charge of intelligence. I was in Manchuria and Hongkong.

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

CAPTAIN OTT: When General Horiguchi was on the stand the Commission expressed a desire to have presented to it a certain table with explanatory notes, and it was wanted in affidavit form. It has been heretofore identified as Exhibit E.

GENERAL DONOVAN: We don't want any further explanation on it particularly. Have you this in the record yet?

CAPTAIN OTT: I am offering it now.

COLONEL MEEK: What is that you are offering?

CAPTAIN OTT: The statement of the doctor the other day.

GENERAL DONOVAN: It is accepted.

(The document was received in evidence and marked Defense Exhibit E.)

CAPTAIN OTT: I now offer into evidence a transcript of the testimony taken before the Special Committee of the House of Representatives of the Commonwealth of the Philippines of Mr. Victor Tizon, Mayor of Capas. I invite the Commission's attention to the orgainization set up by the Governor of Tarlac and the Mayor of Capas for the collection and distribution of food and medicine to the prisoners of war at Camp O'Donnell, especially the acceptance on the part of the prisoners of a jitney load of drugs sent to the camp by Mrs. Zobel.

GENERAL DONOVAN: Colonel Meek.

COLONEL MEEK: What is the number of the thing before we talk about it?

CAPTAIN OTT: Exhibit S.

(The document was marked Defense Exhibit S for identification.)

COLONEL MEEK: The Prosecution objects to this thing.

GENERAL DONOVAN: Refer to it as an exhibit.

COLONEL MEEK: It is Exhibit S, Defense Exhibit S. It purports to be, as it states across the top of it, "Transcript of stenographic notes taken during the investigation conducted by the Special Committee appointed to investigate the alleged Capas anomalies, held on November 12, 1945." Then it goes on in question and answer form, and then there is a certificate on the back of it by the stenographer that it is a true and correct transcript. It was never signed by the person that had been questioned. Never in any court have I ever heard of an attempt to introduce such a thing as this as an exhibit. I believe also the witnesses are available and could be subpoenaed. Therefore, I most strenuously object because it is -- as I say, there is nothing to indicate the truth or falsity of the statement, who took it, whether the witness was given an opportunity to read it after he was asked the questions; and to my mind it is the most extraneous thing ever attempted to be offered any place.

CAPTAIN OTT: May I answer that very briefly. The transcript here is a transcript of the testimony given by him. It states his name, and in fact he was duly sworn and under oath when he gave this testimony. It purports to be a true and correct record of his testimony and of the record of the committee of the House of Representatives. It is the same as though this

testimony taken before this Commission is valueless because the witness doesn't sign it. I can say this, I regret that I have been unable to go to Capas, as I should have liked to have done, and I would have interviewed the mayor and other people in Capas. However, I take this opportunity of presenting this matter to the Commission as the only way I could do it within the time I have had to present my portion of the case.

GENERAL DONOVAN: Didn't we have six days at the close of the Prosecution's case?

CAPTAIN OTT: I was very busy.

GENERAL DONOVAN: I would like to read this: "The Commission shall admit such evidence as in its opinion would be of assistance in proving or disproving the charge, or such as in the Commission's opinion would have probative value in the mind of a reasonable man."

The Commission accepts this.

(Defense Exhibit S for identification was received in evidence.)

(A document was marked Defense Exhibit T for identification.)

CAPTAIN OTT: I would like to have this exhibit, being the testimony of Maximo Casil, marked Exhibit T for identification.

I now offer in evidence Exhibit T for identification, the testimony of Maximo Casil, which was taken before the same committee as Defense Exhibit S.

GENERAL DONOVAN: Have you anything to say?

COLONEL MEEK: I have the same objection. He keeps talking about a committee. I would like to ask the counsel

one thing. There is nothing on this to indicate any congressional committee or anything else. I would like to know where he gets that?

CAPTAIN OTT: I think, --

GENERAL DONOVAN: As a matter of fact, the Commission will decide this on what is on the paper, not on what is said up here.

COLONEL MEEK: We renew the same objection to this as to the one which was just accepted.

GENERAL DONOVAN: It will be accepted.

(Defense Exhibit T for identification was received in evidence.)

CAPTAIN OTT: I am not going to read this exhibit, but I would like the record to show this is produced for the purpose of showing that medicines were being sold by doctors at Camp O'Donnell to patients at exorbitant prices.

LIEUTENANT PELZ: We call as our next witness Hiroshi Goto.

HIROSHI GOTO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Onodera and Staff Sergeant Ogita:

DIRECT EXAMINATION

Q (By Lieutenant Pelz) Will you state your name?

A (Through Interpreter Onodera) Hiroshi Goto.

Q What is your occupation?

A Principal of the elementary school.

Q Where?

A Koshi Gun County, Niigata Prefecture, Kitadani-Mura Village; Nagino School, elementary school.

Q How long have you known General Homma?

A He was my teacher 30 years ago when I entered the army. I have had the honor of knowing him ever since.

Q What was General Homma's rank at that time when you first knew him in the army?

A He was a first lieutenant.

Q Were you a draftee?

A Yes.

Q What were the methods employed by General Homma?

A I came in as the active service soldier.

INTERPRETER ONODERA: If it please the Commission, I might explain "draftee" is strictly an American word. They are called to service and there are many ways of doing it. He may have misunderstood.

LIEUTENANT PELZ: I will waive that.

Q (By Lieutenant Pelz) What were the methods employed by General Homma as your instruction officer?

A General Homma told us that military personnel is not or should not have a sense of aggressor and they are not trained to be aggressor first. His sole duty should be to defend the nation if necessary and to preserve the peace of the world. The Japanese have a tendency to rely only on the Japanese spirit. However, the United States, England and the other western nations, in their principles and spirits, have many excellent points and we should accept many of their good points.

GENERAL DONOVAN: Just a moment. We don't want to know what he thinks about the United States or England. What we want to know is about General Homma, what you have to testify about him.

LIEUTENANT PELZ: This is what General Homma taught him when he was a draftee. He is now giving what General Homma told him.

GENERAL DONOVAN: That a Japanese soldier wasn't trained to be aggressive, as he said in the statement before this?

LIEUTENANT PELZ: That is what I understand, sir.

A (Through Interpreter Onodera) General Homma taught us many things about literature, poems and verses, and especially about western literature. He often gave us his criticism of the literature and taught us about literature.

Q Is there anything you would like to add concerning General Homma's character as it developed in later years?

A Do you mean something different?

Q Yes.

A He has to be polished through the mutilation of years -- means he has changed to that effect. As far as his effort to work for the world peace, his preference for literature and his study for literature, especially the poetry and grammar and such, have deepened since, and his personality as far as his warm heart and kindness, his gentleness, all of these things have not changed at all in the 30 years I have known him.

LIEUTENANT PELZ: I have nothing further.

LIEUTENANT PELZ: I have nothing further.

COLONEL MEEK: I have nothing at all.

GENERAL DONOVAN: Commission?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

GENERAL DONOVAN: There will be a ten minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

CAPTAIN FURNESS: If the Commission please, the Defense now offers for identification the affidavit of Tsueno Matsudaira, which we shall ask to have marked as Exhibit U for identification.

(An affidavit was marked Defense Exhibit U for identification.)

CAPTAIN FURNESS: We now offer for identification the affidavit of K. Kodama, and ask that it be marked as Defense Exhibit V for identification.

(An affidavit was marked Defense Exhibit V for identification.)

CAPTAIN FURNESS: Neither will be read, but sufficient copies will be given to the Commission so that they can read the affidavits.

I would like to have this marked as our next exhibit.

(An affidavit was marked Defense Exhibit W for identification.)

CAPTAIN FURNESS: We now offer the affidavit of his Highness, Prince Higashi Kuni, which I shall read.

GENERAL DONOVAN: You may read all or any part of the others.

CAPTAIN FURNESS: They are all character affidavits. I offer them into evidence.

COLONEL MEEK: I have no objection.

GENERAL DONOVAN: They will be accepted into evidence.

(Defense Exhibits U, V and W for identification were received in evidence.)

CAPTAIN FURNESS: I will read Exhibit W. (Reading:)

"Now 3 January 1946 before me Kota Omori, President of Justices of the Tokyo Court of Appeals in the city of Tokyo, Japan comes His Royal Highness Prince Higashi Kuni and after being duly sworn says as follows:

"I have known Lieutenant General Masaharu Homma for many years and am acquainted with his character and ideals. General Homma studied in England and served there as an attache to Prince Chichibu and later as military attache to the Japanese Embassy in London. He is one of the most outstanding generals who had a background of English culture and who has a deep respect for humanity and the international law. General Homma made a great effort to effect training of the Japanese Army from a cultural point of view as he felt the Japanese Army in need of such training although it was quite highly trained in the military sense.

"I firmly believe that these incidents in the

Philippines did not come from his command or order but from the fact that his true intentions were not conveyed to his officers and soldiers on account of the bad communication. I myself studied the battlefield in Europe after the last war and found that similar cases happened in many areas on account of the bad condition of communication, and therefore I hope the conditions in the Philippines will not be considered from the standard of the United States where everything is quite different from the Philippines. General Homma had a great hope for the future of the Philippines and was an advocate of their early independence.

"Although those incidents occurred in the Philippines while General Homma was the Commanding General there, I would like to ask the American officers in charge to take into consideration his true nature."

Our next witness is Tsuneo Yamomoto.

TSUNEO YAMOMOTO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Furness) Please state your full name and address.

A Tsuneo Yamomoto.

Q Where do you reside?

A In Tokyo, Japan.

Q Have you been a soldier and officer in the Japanese Army?

A No.

Q What position do you hold now?

A I am executive director of the Tokyo Bankers Association, and also the executive director of the Federation of Japan Bankers Association.

Q When were you appointed to those positions?

A October 1945.

Q Prior to your appointment to those positions in whose employ were you, and what positions did you hold?

A I was associated with the Yokohama Specie Bank, and I was elected as auditor in June 1945.

Q When did you resign?

A I resigned in October, when I was asked to take my present duty.

Q How long prior to your resignation had you been employed by the bank?

A A little over 30 years.

Q Can you tell us what is the Yokohama Specie Bank?

A The Yokohama Specie Bank was established in 1880 under the charter of the Japanese Government, with its head office in Yokohama, mainly to finance export subiness of silk to the United States. Its scope of business increased with the expansion of the foreign trade of Japan, and at present it has its capital paid up of 100,000,000 yes and an undivided profit of over 150,000,000 yen.

Q In the course of your 30 years employment, did you live in the United States?

A Yes.

Q Between what dates?

A Between 1931 to 1936.

Q What was your position there?

A I was the sub-manager of the New York Agency of the Yokohama Specie Bank.

Q In the course of that employment, did you also live in the Philippines?

A Yes.

Q Between what dates?

A Between February 1938 to August 1942.

Q When did you first meet General Homma?

A I met General Homma when he made the formal entry into Manila.

Q What date was that approximately?

A I think it was the beginning of May 1942.

Q Prior to your meeting with him did you know him by reputation?

A Yes, I did.

Q What was his reputation?

A He was very well known to us as a man well versed in world affairs, and exceptionally well cultured, an exceptionally well cultured gentleman for a Japanese Army officer.

Q Did you have any personal contacts with him after that first meeting?

A Yes, I did.

Q From your personal contact with him did you find that his reputation was deserved?

A Yes, sir.

Q What can you say from your observation of him regard-

ing his character and personality?

A When I met him first I was struck by his quiet and modest attitude. There was no sign of arrogance, in spite of the fact that he was the highest commander of the victorious army, and as I came to know him better I realized that he is really a broad-minded, deep-thinking sympathetic and considerate individual.

Q Did you on those occasions have extensive conversations with him?

A Yes, I did.

Q Tell us briefly what you said and what he said?

A I cannot recall those conversations all now, but as I was a banker and also one of the old residents of Manila, I remember I have explained to him the pre-war economic conditions, including the financial conditions of the Philippines. I explained its disruption caused by the war. I also expressed my personal view for rehabilitation.

He told me that the welfare and happiness of the Filipino people was his utmost concern, and now that the major campaign was over, his first duty was to revive the Philippine economic structure, and it seems to me that he had a keen interest in this kind of conversation.

Q Did you call on him after he was recalled to Tokyo and retired to the reserve?

A I beg your pardon?

Q You returned to Tokyo in August of 1942?

A Yes.

Q Did you call on him after his return?

A Yes, I did.

Q Why did you do that?

A Well, because my sympathies toward General Homma grew after he was recalled and after he was put on the reserves. As is common with these cases, I imagine, there were a few people who were calling him, and I thought he might have a feeling of being lonesome, so I wished to call as frequently as I could.

Q Did you hear why he was recalled or retired from the reserves?

A I cannot state definitely, but as far as I gathered, the consensus of opinion was that the policy of General Homma towards the Philippine campaign, under his administration, his attitude towards the Filipinos, he got too mild and moderate and soft, and was criticised for that.

Q Were you in Manila --

A May I please finish that, if you please? Those policies of General Homma were criticised by the extreme circles of the Japanese Army then reigning in Tokyo. I think that is what it was.

Q That is the reason?

A Yes.

Q Were you in Manila when the Japanese occupied the city?

A Yes, I was.

Q What sort of an occupation was it?

A The occupation was very smooth and a peaceful one. In my opinion, it went through exceptionally well, very orderly and peaceful, without any bloodshed on our side. On the early morning of January 2nd, I now recall that, that when the army was already in the vicinity of Manila,

the army with the cooperation of the Japanese Consul General then staying in Manila, invited the Manila newspaper men to the front lines, and notified them that the occupation will take place on the same evening, so the Manila newspapers issued extras, and the people of Manila could be notified beforehand to do or make any preparations as they deemed necessary.

Q That was on the 2nd of January, 1942?

A Yes.

CAPTAIN FURNESS: No further questions.

GENERAL DONOVAN: Colonel Meek?

COLONEL MEEK: No questions.

EXAMINATION BY THE COMMISSION

Q (By General Trudeau) Did you know General Homma's successor?

A Successor?

Q Yes, General Tanaka.

A Yes, I met him.

Q Do you know what his background was? Was he a professional soldier or industrialist or what?

A A professional soldier, I think.

Q (By General McNaught) Do you know where the Japanese Consul General in Manila was during the last part of December 1941?

A Last part of December?

Q Yes, 1941.

A Yes, he was in Manila.

Q Do you know yourself that he was in Manila all the time?

A Yes.

GENERAL McNAUGHT: That is all.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

CAPTAIN FURNESS: The Defense calls as its next witness Yorisada Tokugawa.

YORISADA TOKUGAWA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

CAPTAIN FURNESS: He will testify in English, sir, but may need the help of an interpreter.

Q (By Captain Furness) What is your name and title?

A Marquis Yorisada Tokugawa.

Q Are you a member of the House of Peers of Japan?

A Yes, I am a member.

Q Have you ever held any position in the Japanese Government?

A Only once.

Q When was that?

A When I came out to the Philippines at the time General Homma was commander of our troops out here.

Q Are you acquainted with General Homma?

A Yes.

Q When did you first meet him?

A I first met him in London when he was the military attache to our embassy.

Q What date was that?

A I was representing the Japanese House of Peers to the International Parliamentary Conference in London and Brussels at that time.

Q When did you next see General Homma?

A I met him when I came out to the Philippines at the beginning of April, 1942.

Q What was the occasion for this meeting, for your coming to the Philippines?

A General Homma personally sent for me.

Q At that time did you hold offices in certain cultural societies in Japan?

A I was the president and vice-president of over ten different international societies and associations, and among them I was the president of the Philippine Society of Japan, and vice-president for the International Society for Cultural Relations.

Q How soon after your arrival did you see General Homma?

A I do not remember exactly, but it must have been between the 10th of April and the 15th of April when I was called to see General Homma at the headquarters in Balanga.

Q Did General Homma tell you then why he had requested that you be sent for?

A No, he didn't say anything, but the first time when I saw him or met him at headquarters in Balanga, he told me his experience of visiting Hyderabad, India, where he was received by the Minister of Education because the Minister of Education used to know me in Tokyo, and he wanted to return my hospitalities towards him.

They carried on some type of a conversation. He continued his conversation by saying, "Now, if you want to put a seed in the ground it may become bigger and bigger and bloom the flowers, and sometime the fruit may come out."

He said to me, he said, "In order to put the seed in India," and he hopes that I might put another seed in the soil of the Philippines, and he thinks that it will be good for the Philippines and for all mankind to plant a seed of that type that will flower and bloom.

Q Well, previous to this time had you had an interest in the Philippines, in its cultural relations with Japan?

A Yes. I used to know the late Mr. Manuel Quezon very well, so that is why I became president of these societies.

Q Did you later learn what your duties would be here in the Philippines?

A To do what I could to foster good relations with the Filipino people.

Q Did you later confer with General Homma as to the cultural policy of Japan with regards to its relations with the Filipinos?

A What?

Q Did you later confer with General Homma as to the cultural policy Japan should follow with regards to its relations with the Filipinos?

A Yes.

Q Can you state what General Homma's policies were?

A General Homma and I utterly agreed on the policy to be adopted towards the Philippines and Filipinos; a policy

of cooperation and not a policy of oppression.

He also agreed with my personal opinion, which is to be good is to be in harmony with others. But my policies were prevented by the young staff officers under General Homma, and at last, sometime after General Homma left the Philippines, I found that I could not do anything out here, so I left for good for Japan. That was the end of the year 1942.

Q Did the commander of the Japanese forces who succeeded General Homma follow his policy?

A My policies, as well as General Homma's policies, were in complete disagreement with the policy of the commander-in-chief who succeeded General Homma.

Q Did you meet General Hayashi during this time that you were here?

A Yes, I did.

Q Did he agree with the policy which you and General Homma advocated?

A If I may say so, he is not an intellectual person interested in cultural life; he is rather interested in military affairs.

Q Can you give an example of this?

A Take, for example, I once expressed the opinion that it is wrong to force the Filipinos to speak Japanese. On the contrary, the Japanese should learn to talk Tagalog, but Hayashi did not agree with me.

Q During your stay in the Philippines before General Homma left, Count Terauchi visited the Philippines, did he?

A Yes, he did.

Q Did you have occasion during his visit to confer with him as to the cultural policy of the Japanese or about the Japanese that should be taught in the Philippines?

A I mentioned it here, but I did not have the opportunity of talking ov er the subject with him. I was told Count Terauchi was displeased with the manner in which Filipinos were allowed to even walk around on Dewey Boulevard arm in arm with the Japanese.

Q General Homma permitted this prior to General Terauchi?

A Yes.

Q Do you know what General Terauchi thought of General Homma's policies towards the Filipinos?

A It was common talk among the civilians like ourselves that Count Terauchi was discontented with the policy of softness of General Homma towards the Filipinos and the other civilians here. We understood that is one of the reasons why General Homma was called back from the Philippines.

Q . Could you give an example of the disagreement between the policy of General Homma and the policy of Imperial Headquarters at Tokyo?

A I heard General Headquarters disagreed very much with the policy of General Homma and it should have been prevented even to the American Army forces on Bataan, and even in Manila, if it meant the destruction of Manila.

Q Did General Homma ever express his views to you on this?

A Once he said that a city like Manila, if one should

destroy it, it takes a tremendous time to rebuild it, and destruction of such a civilized city would be a great loss to the world.

Q Did you, during your stay in Manila, have occasion to meet many of the Filipino leaders?

A I met several of them.

Q Did they ever make any complaint to you with regard to General Homma's treatment of Filipino civilian citizens?

A No, they never did.

CAPTAIN FURNESS: No further questions.

COLONEL MEEK: No questions.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

CAPTAIN FURNESS: I would like to have this marked as our next exhibit.

(A document was marked Defense Exhibit X for identification.)

CAPTAIN FURNESS: I will now offer into evidence the affidavit of Major General Francis Stewart Gildercy Piggott, which has been wirelessed to us from London.

COLONEL MEEK: The Prosecution has no objection.

GENERAL DONOVAN: Exhibit X is accepted.

COLONEL MEEK: It is not an affidavit, and it shows on its face, it is a radio.

GENERAL DONOVAN: Well, it is accepted, anyway.

(Defense Exhibit X for identification was received in evidence.)

CAPTAIN FURNESS: (Reading:) "1. Following verbatim affidavit of Maj Gen Francis Stewart Gildercy Piggott sworn

destroy it, it takes a tremendous time to rebuild it, and destruction of such a civilized city would be a great loss to the world.

Q Did you, during your stay in Manila, have occasion to meet many of the Filipino leaders?

A I met several of them.

Q Did they ever make any complaint to you with regard to General Homma's treatment of Filipino civilian citizens?

A No, they never did.

CAPTAIN FURNESS: No further questions.

COLONEL MEEK: No questions.

GENERAL DONOVAN: Anything further?

(No response.)

GENERAL DONOVAN: The witness is excused.

(Witness excused.)

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(Defense Exhibit X for identification was received in evidence.)

CAPTAIN FURNESS: (Reading:) "1. Following verbatim affidavit of Maj Gen Francis Stewart Gildercy Piggott sworn

before Col R. C. Halse JAG when in office London text begins:

"1 I first knew Gen. Homma then a Capt. when I was head of Int of 2nd British Army in France in 1918. He was att to Lord Plumer's HQ with other allied with other officers and during this period acquired a very good knowledge English language. Subsequently knew him he was Asst. Military Attache in London and I was head Far Eastern Sec. at War Office in 1920-21. Later when Mil. Attach in Tokyo between 1921 and 1926 when serving at War Office between 1927 and 1935 and again when Military Attache at Tokyo from 1936 to 1939 I was in more or less continuous social and official contact. Homma was Military Attache in London from 1930-32 and DMI in Tokyo from 1937 to 1938. In 1939 he was COC Tientsin.

"2. During whole this period I formed a close personal friendship with him. I found him strongly physically and mentally determined broad minded and communicative of independent views, with a number of sentiment, humorous and very good company. He was an ardent supporter of Anglo Japanese alliance and an equally disbeliever in League of Nations. His foreign affiliations were mainly British except as required by his official posn when DMI. He had no special Pro-German proclivities, rather the reverse. His reputation in Japanese Army from a military point of view was of highest, quite apart from his well known reputation of being pro-British and an expert on the British Empire. He was in fact considered too pro-British by certain circles in Japanese Army. He often described his motto, 'Live and let live,' and was of my certain knowledge never associated with extremist militarists.

"3. Homma was to my unofficial knowledge blamed by the General Staff in Tokyo for not taking earlier and more drastic steps against the British concession at Tientsin in 1935 owing to well known weakness of Japanese chain of command and liaison Homma himself visited to front at beginning Chinese War and at his recommendation certain subordinate comds were removed for responsibility in Nanking atrocities Japanese GHQ in China has lost contact with several of said advanced units. This refers specifically to combatant units military police, detachments are always independent of any control from local comds.

"4. General Homma's views were independent, moderate, humanitarian and very definitely pro-British the latter even after Anglo Japanese alliance, the termination of which had been a severe disappointment to him.

"Ends. Dated at 6 Spring Gardens London, 14 Jan. 1946. Duly signed and witnessed."

GENERAL DONOVAN: Any further affidavits or exhibits to be offered?

MAJOR SKEEN: The Defense has no further affidavits.

We call as our next witness Mrs. Homma.

GENERAL DONOVAN: The Commission will take a short recess.

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with members of Defense counsel. The Prosecution are present and we are ready to proceed.

GENERAL DONOVAN: Major Skeen?

MAJOR SKEEN: Defense calls as its last witness Mrs. Homma.

FUIJOKO HOMMA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreters Major Pratt and Lieutenant Onodera:

DIRECT EXAMINATION

Q (By Captain Coder) What is your name?

A (Through Interpreter Onodera) Fuijoko Homma.

Q Are you the wife of Masaharu Homma, the Accused in this case?

A Yes.

Q Where do you live, Mrs. Homma?

A No. 19 Ohara Koishigawa Ward, Tokyo City, Japan.

Q What is your nationality?

A Japanese.

Q How long has the Accused been known to you?

A Twenty years.

Q When were you married?

A 6 October 1926.

Q Do you have any children?

A One by his former wife, a boy; then I have one girl and one boy. Altogether, three children.

Q Did you ever accompany your husband when he left Japan on military missions?

A Yes, I have.

Q Where did you go?

A In Geneva, Switzerland.

Q How long did you stay when you were in London?

A About a year and a half.

Q How long did you stay in Geneva?

A Five months.

Q Did you and your husband ever discuss his military career?

A Yes, I have.

Q Tell us what his ideas were concerning the Japanese Army.

A Yes.

Q What were they?

A He said, "The Military Force is a thing which should be used to defend the Mother Land, and work in harmony and try to preserve the world peace, and should never be used to invade the other countries."

He also said this: He constantly said, "If a country ever engages in a war of invasion, that country will inevitably lose."

Q Did General Homma ever tell you his views about the present war?

A Yes.

Q What did he say about it?

A He disagreed with this war from the beginning. Now, the Government used the word "Destruction," "Annihilation,"

and these words, in slogans, appear many times, and all over the newspapers and magazines, and he always told me that they used a word which seemed like such a nightmarish word all the time, and he was concerned over the use of this word. He was very much concerned over the fact that there were some rules and regulations laid down which violated or infringed upon the human instinct, and later, when the tide of the battle turned against Japan, Japan still insisted in announcing victorious news, in spite of the fact battles were being lost.

Because my husband was a military man I supposed he knew that it was not so, and he constantly said it was not a good idea, and he always said that Japan had politicians but no statesmen.

Q Did General Homma ever tell you any peace efforts which he had made on behalf of Japan?

A There were three times when he made this effort, and he always told me after these attempts, they were failures.

GENERAL DONOVAN: Read that answer.

(Answer read.)

A (Continuing) The first time was when he was the Chief of the Second Department in the Imperial General Headquarters. It was right at the time of the fall of Nanking. He said this: Unless peace was brought immediately it would be disastrous. And although he tried he was opposed by the government and failed, and he was very much disappointed.

The second time was when Shanghai fell. He again made all efforts to bring about peace, but he again failed.

And he elaborated very much on the failure.

The third time was when the Koiso Cabinet was formed. As soon as General Koiso formed a cabinet he went to Koiso and told him all about his ideas on the peace, and he told him that war must be stopped now. Although Koiso did listen to General Homma's idea, it met the opposition of the Army and did not succeed.

All this I heard after these attempts had failed.

Q Was General Homma subjected to criticism for his attitude?

A Yes; because he studied about the United States and England, because he was always interested in the world trends and kept his eyes open on it, and also because he understood Japan thoroughly, he realized that the spread of war was not only a misfortune for Japan, but to all mankind. This view was not welcomed and was not popular among the people. People used to call him pro-American, a pro-American element. At that time that name was an insult -- insulting name.

Q Do you know if General Homma was in disfavor with the war lords of Japan?

A Yes.

Q How do you know this?

A He was removed from the post of the Philippine commander much earlier than had been expected. Then, moreover, when he did return to Japan, he was retired from the active list and was given no position, and he remained at home. Then they deprived him of the honor of being a military man by even going up to the Emperor and reporting on him.

Q Did General Homma ever talk to you about his service in the Philippines?

A Yes, he has.

Q What did he say?

A He wanted to be friendly with the Filipinos and peaceable. He began to administer the Philippines peacefully. However, it must have been contrary to the policy of the Government, because he was soon relieved of the command and sent back home.

Q Do you know of any enmity between your husband and General Tojo?

A Because some people have told me about the enmity between Tojo and my husband one day I asked him, "What is between you? Have you ever fought with him?" And he replied he had not started the fight even once with Tojo. However, at one conference, in the minds of all the people, Tojo -- minds of many officers, when General Homma expressed his opinion, Tojo came back with, "Why are you so kind to the Americans and the United States? Are you afraid of them, or something along that line?" He shamed him.

And he said, "Although I never started a quarrel with Tojo, I would never forget the humiliation."

Q Can you tell us generally what kind of a man General Homma is? What are his hobbies and his recreations?

A I have come from Tokyo to here and I am proud of the fact that I am the wife of General Homma. I have one daughter, and my wish for her is that some day I wish that she will marry a man like my husband, Masaharu Homma. He

is that kind of a man. He is a man who doesn't quibble over small matters. He is a big man in that sense, that he doesn't bother about details. Also he likes to create a peaceful atmosphere and get inside of it and live at peace within that atmosphere, and all his conduct is based on this. And for instance, no matter what troublesome affairs may have taken place outside, whenever he came home, back into the house, he always came in with a smile on his face.

That is about roughly what his personality is.

Now, as to his hobbies: The first one is reading. He will read Occidental or Oriental books, modern books or old classics. He also composes poetry and verses.

For athletic recreation, he likes to play tennis under the blue sky. He went every Sunday to play tennis. He does not indulge in hunting or fishing. This is the tradition in the Homma family through generations. He felt that if it was necessary to make a living by hunting, it is a different story, but to hunt birds which are joyfully playing, just for the hobby, he could not do it. This is, again, the custom of the Homma family for generations.

Now, as to his religion, he has studied all kinds of religions. He has many books on them. He has spoken to many religious leaders, leaders on Christianity and other religions. However, the family is Buddhist, and he upholds the Buddhist religion.

CAPTAIN CODER: That is all the questions I have, Mrs. Homma.

COLONEL MEEK: The Prosecution has no questions.

GENERAL DONOVAN: All right, the witness is excused.

(Witness excused.)

MAJOR SKEEN: If the Commission please, with the testimony of this witness, the Defense rests.

(DEFENSE RESTS)

- - -

GENERAL DONOVAN: Does the Prosecution have anything further?

COLONEL MEEK: The Prosecution Exhibit 424, that has not been received, and as I stated to the Commission, I received the statement of General King.

I wish to introduce those statements now. That will be all that we will have.

GENERAL DONOVAN: Let's take up the first exhibit.

COLONEL MEEK: Prosecution Exhibit 424 is the counter-affidavit to Defense Exhibit L.

GENERAL DONOVAN: Major Skeen?

MAJOR SKEEN: We have no objections.

GENERAL DONOVAN: The exhibit is accepted into evidence.

(Affidavit of Consuelo Marcaida dated 4 February 1946 was received in evidence and marked Prosecution Exhibit No. 424.)

COLONEL MEEK: It is very brief and I would like to read it (reading):

"AFFIDAVIT

"COMMONWEALTH OF THE PHILIPPINES)
) SS
CITY OF MANILA)

I, CONSUELO MARCAIDA, of age, single, residing at 92 Santa Mesa Street, Manila, after being duly sworn

according to law, depose and say:

"That in clarification of the term 'American Troops' used in my affidavit dated 30 January 1946, I desire to add that I did not mean American soldiers or Military personnel, but I referred to the Filipino civilian employees who were under the supervision of the U.S.A. forces, being civilian employees of the oil companies in the Pandacan District, Manila. I did not see any American soldiers nor any uniformed members of the USAFFE in the vicinity of the fuel tanks on the 31st day of December, 1941.

"Consuelo Marcaida

"Subscribed and sworn to before me this 4th day of February, 1946.

"Guillermo Reyes,

"Second Lieutenant, Infantry,

"Philippine Army;

"Investigating Officer, War

"Crimes Investigating Detach-

"ment."

Will you mark this as our next exhibit?

(Statement entitled "Perpetuation of Testimony of Edward P. King, Jr., Major General, A.U.S. - 02442," was marked Prosecution Exhibit No. 425 for identification.)

COLONEL MEEK: The Prosecution next offers for identification, or for introduction, Exhibit 425, being the statement of Major General King.

MAJOR SKEEN: The Defense would like a moment to look this over. I have not seen it before.

CAPTAIN OTT: I have read it.

MAJOR SKEEN: All right. We have no specific objections to make to that.

GENERAL DONOVAN: What is the number of that affidavit?

COLONEL MEEK: 425.

GENERAL DONOVAN: The affidavit of General King is accepted into evidence.

COLONEL MEEK: It is the statement on the surrender of the American forces on Bataan on 9 April 1942.

GENERAL DONOVAN: All right. Prosecution's Exhibit 425 is accepted for whatever probative value it may have.

COLONEL MEEK: I would like, with the Commission's permission, to read the statement.

GENERAL DONOVAN: You may read it.

COLONEL MEEK: This is the statement of Major General Edward P. King, Jr., taken at Washington, D. C., on 14 January 1946 (reading):

"Q. Will you please give your name and serial number, sir?

"A. Edward P. King, Jr., 02442, Major General, A.U.S.

"Q. Were you the Commanding General of the American forces on Bataan in April, 1942?

"A. I was.

"Q. At what time did your forces surrender to the Japanese?

"A. At about 2:00 a. m., April 9, 1942, I sent forward with a flag of truce Colonel E. C. Williams, Colonel J. K. Collier, my G-3, and Major Marshall Hurt, my Assistant G-3, to make an appointment for me to meet the Japanese Commander of their forces on Bataan with a view to surrendering.

Colonel Williams was to make the appointment. Colonel Collier and Major Hurt were to get word back to me of the appointment. Colonel Collier and Major Hurt returned shortly after daylight and I started forward with my two aides, Major Cothran and Captain Achille C. Tisdelle, Jr. Colonel Collier and Major Hurt accompanied us in another car. On the way forward, although carrying large white flags on our cars, we were attacked repeatedly by light bomb and machine gun fire from low-flying Japanese planes so that we were compelled often to stop and take cover. It must have been close to 10:00 o'clock when I reached Lamao, the place to which Colonel Collier had directed me. At that place I was received by a Japanese Major General who informed me, through a very poor interpreter, that he commanded one division of the Japanese forces; that he had reported my coming to Japanese headquarters in the Philippines and that he had no authority to treat with me; that another officer would be sent from Japanese headquarters to treat with me and that he would make no further advance for thirty minutes while I decided what to do.

"Q. Do you know the Japanese General's name?

"A. I do not know the name of the Japanese General. After some time, no Japanese officer having arrived from Japanese headquarters, Colonel Williams called my attention to the fact that the Japanese troops had resumed their advance, and I immediately sent Colonel Collier and Major Hurt back with instructions to direct my units in the line of the Japanese advance to display the white flag and to surrender and to go to my Command Post and direct General Funk, my

Chief of Staff, to order all units to display the white flag and to give themselves up to the first Japanese who approached them. Shortly after, an officer with an interpreter arrived and I was told that the officer was a Colonel and that he was General Homma's Chief of Staff, and that he had come to discuss my surrender with me, as General Homma's representative. I was concerned only with the treatment that my men would receive and whether they would be treated as prisoners of war. The Japanese officer demanded my unconditional surrender. I attempted to secure from him an assurance that my men would be treated as prisoners of war. He accused me of declining to surrender unconditionally and of trying to make a condition. We talked back and forth in this vein for some time -- I should guess about a half-hour. Finally, he said to me, through the interpreter, 'The Imperial Japanese Army are not barbarians.' With that assurance I had to content myself and surrender.

"In destroying arms and equipment in preparation for surrender, I had reserved enough motor transportation and gasoline to transport all of my troops out of Bataan. I endeavored, prior to surrender, to secure an assurance that this might be done, I pled, after my surrender, that this be done, offering to furnish personnel as might be required by the Japanese for this purpose or to assist in any way that they might require. The Japanese told me that they would handle the movement of the prisoners as they desired; that I would have nothing to do with it, and that my wishes in that connection would not be considered.

"Q. Did your men on Bataan, at that time, have any rations?

"A. For some time we had been on one-fourth rations in Bataan. At the time of my surrender, I had remaining two days of issue on that limited basis, that is, one-half a ration per man.

"Q. Did you at any time, General, consult with General Homma during these negotiations?

"A. I have never seen him in my life so far as I know.

"Q. Did the Japanese to whom you surrendered agree to accept the surrender of your whole command?

"A. They would not treat with me at all until after some time and effort I convinced them that I would continue to insist that I was surrendering without General Wainwright's knowledge or authority. Then the Japanese said I could surrender myself and send my staff officers, Colonel Collier and Major Hurt, back to direct my units to surrender, in which case they would discontinue their attack.

"Q. Did the Japanese agree to treat your men as prisoners of war?

"A. I was able to get nothing from them except the assurance, 'The Imperial Japanese Army are not barbarians.'

"Q. General, what happened after your negotiations of surrender with the Japanese were completed?

"A. I was taken to Balanga where I was held all afternoon, and just before dark I was carried to Orani where I was kept until Sunday evening, April 12th, when I was carried by motor car to Camp O'Donnell."

The statement is signed by Major General Edward P. King, Jr.

(Prosecution Exhibit No. 425 for identification was received in evidence.)

GENERAL DONOVAN: Anything further from the Prosecution?

COLONEL MEEK: The Prosecution has nothing further, and the Prosecution rests.

(PROSECUTION RESTS REBUTTAL)

- - -

MAJOR SKEEN: Nothing further from the Defense.

GENERAL DONOVAN: Closing arguments will be heard on Saturday. The Defense will be heard first, and thereafter the Prosecution will address the Commission.

The Commission will adjourn and meet on 9 February 1946 at nine o'clock.

(Whereupon, at 1730 hours, 7 February 1946, the trial was adjourned until 0900 hours, 9 February 1946.)

(1847)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXIX

PAGES 3290 TO 3363

MANILA, P. I.

DATE 9 February 1946

COPY No. 9

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

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High Commissioner's Residence,
Manila, P. I.,
9 February 1946

Met, pursuant to adjournment, at 0900 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

I N D E X

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Argument on Behalf of the Prosecution	(By Col.Meek)	3343

E X H I B I T S

DEFENSE EXHIBIT NO.	FOR IDENTIFICATION	IN EVIDENCE
Y (formerly duplication of E)		3290

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN OTT: First, I am advised by the reporter that an exhibit which was introduced Thursday, Exhibit E, is a duplication of the same letter. I therefore ask that that be re-lettered to Exhibit Y.

GENERAL DONOVAN: That will be done.

(The document referred to was re-marked Defense Exhibit E in evidence.)

ARGUMENT ON BEHALF OF THE DEFENSE

CAPTAIN OTT: We are here to hear the final arguments of this case. I desire at the outset to outline to the Commission the manner in which the closing arguments of the Defense will be presented.

Sirs, I will discuss Specifications 13 to 15, inclusive, dealing with the evacuation of prisoners of war from Bataan and their treatment at Camp O'Donnell and Cabanatuan.

Second, Lieutenant Pelz will discuss first the specifications dealing with the other prisoner of war camps and the internment camps. Secondly, certain specifications involving interpretations of international law, such as the bombing of the City of Manila. And lastly, those specifications involving military administration and the Kempei Tai.

Third, Captain Coder will discuss work details and

miscellaneous incidents under the Charge and Additional Charge and the specifications thereof.

Fourth, and finally, Major Skeen will argue the Charge and the failure of the Prosecution to prove the guilt of the Accused under the Charge.

Before I take up the specifications with which I shall deal, I want to say a few words about what, in my opinion of this, has been the unwillingness of the Prosecution to present sufficient evidence essential to announce an honest appraisal of the issues in this case. On the contrary, the Prosecution has presented only such evidence as was favorable to its side in the full realization of the difficulties with which the Defense was faced and encountered in supplying the missing evidence, on the other side, and in some cases the impossibility of doing so. The result has been presentation to this Commission of a distorted picture. As an example of this I would like to cite the proof which we had difficulty in supplying as to the condition of the American and Filipino troops at the time of surrender. It wasn't until the next to the last witness presented by the Prosecution, Major Tisdelle, that we were able to obtain a clear and satisfactory picture of the actual condition of those troops. We had no means except by cross examination to bring out this evidence. On the contrary, we asked such questions of other witnesses and we met a variety of answers.

Sergeant Baldassarre, who testified in this case, stated that, in response to the question concerning the condition of the American and Filipino troops, they were

in first-class condition, every one of them.

Now, the Prosecution has realized the difficulties which we were facing in this case. The witnesses are, for the most part, in the United States. They are beyond our reach. It seems to me the Prosecution, knowing that, should put in evidence which would give a complete and full picture here. In general they have relied upon that type of case, and I think they have put witnesses on the stand and supplied affidavits which contain, to say the least, extravagant statements.

I refer again to Sergeant Baldassarre, who, I won't say willfully, stated an untruth, but I think he has a little difficulty in determining a fact from what is not a fact. Certainly his powers of observation and judgment are not of the best. He is the man who said he saw hundreds and hundreds of bodies along the road; saw water gushing out all over the road, and things of that sort. For example, at this warehouse at Limay, he said that in his group there were 4,000 American soldiers that arrived there. There had already arrived 2,000 other prisoners of war. He said that they were put into that warehouse, which he said was about 50 feet by 75 feet. That makes a total area of 1,875 feet. He described it as 150 square feet. These 6,000 American prisoners were put into that area. It is demonstrable thatthat just can't be done. It would take at least a square foot for a man to stand, and that would indicate that not more than 1,875 persons could be put in there.

Other statements, which I think are easily demonstrated

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Other statements, which I think are easily demonstrated

could not exist, such as, for example, Mr. Wolff, chairman of the American-Philippine Red Cross, stated that there were food stocks here in the City of Manila to supply the entire City for a year and a half. I submit that that just isn't so.

I want to take up chronologically one by one the 14th Army activities in the Philippines. It was activated about the 15th of November, 1941; a little over two weeks later it was on its way here to the Philippines. The organization of the Army was very hasty, no doubt about that, and was poorly equipped to do the job which it was its mission to accomplish. The men were not trained particularly for this job. They were not equipped to do the job at hand and they had not the supplies, either food stocks or medicine, or medical personnel necessary to engage upon the campaign which was to take place here in the Philippines. There was an attempt by the medical officer to secure more medical supplies. They were promised and never arrived, and the Army started out with, as far as quinine was concerned, one-quarter of the standard allotment of quinine. Emetin was practically non-existent, which was for dysentery. Certainly there was every reason to believe, entering a tropical country, these medicines were absolutely essential. Gas gangrene antitoxin was not supplied in sufficient quantities. However, when the war came, the Army was ordered to move into the Philippines, and did so. Efforts were made repeatedly to obtain further supplies, and unsuccessfully. Small dribbles of quinine came here in April, and again in May, and it wasn't until June and subsequent months when quinine

became available, due to the conquest of Java and other East Indies islands, when that supply could be obtained and sent.

Now, it may be that a country which is not better prepared to enter into a campaign of this sort should not send its Army into the campaign, but that is not the concern, certainly of a commanding officer who is ordered to enter upon a campaign. He must do with what he has to do the job.

Another difficulty with which the Accused was faced was not only the lack of personnel, but I think this Commission, having heard a great many of these witnesses who were under his command, has gained some impression of the qualifications of the staff and others to carry out their job as it should have been done, and again there was a constant switching in and out of forces in the Philippines, sometimes at critical junctures in the Philippine campaign, to suit the Imperial Government's requirements in other theaters in the East Indies. This was constantly done -- divisions, detachments, brigades were sent in here and pulled out.

After the landing of the Japanese troops in the Philippines, as I say -- and I am now going to repeat it -- many requests were made for supplies all through this period; there were many, both for food stocks and medicines.

When the campaign on Bataan started the Japanese Army was faced with a question of transportation and supplies, and also faced with the illnesses due to jungle warfare, malaria, dysentery, and as the campaign progressed and

moved farther south, dysentery, malnutrition and malaria became more and more prevalent in the army.

The Japanese Army is not equipped with repellants and mosquito nettings to ward of malaria.

They didn't have the quinine at the very outset. They restricted quinine as a preventative to only front line forces, fighting forces. Later in the campaign it could be used only as treatment for the fighting forces. The sickness -- malaria, dysentery, and beri-beri among the Japanese was great. In fact, the picture is of two armies that were pretty much in the same condition. I think the Japanese soldiers were in a better condition only because they had a more adequate supply of food. Their food ration had been reduced from two-thirds to a half. However, that was considerably greater than the amount the American and Filipino soldiers had had for months when the surrender occurred. The American and Filipino soldiers had been reduced, Major Tisdelle said, to a one-half ration at the time of the surrender.

I think General King, in the affidavit submitted Thursday, said they had two one-half rations all around.

The second offensive by the Japanese Army on Bataan was surprisingly successful from their point of view. They expected that the resistance would not end as quickly and completely as it did. They thought there would be other lines of resistance formed and it would take about a month. When the Japanese arrived there, I might say, they got many more prisoners than they anticipated -- there were 70,000 men. Their intelligence information may have been faulty -- there were about 40,000 maybe, American and Filipino soldiers fighting on Bataan -- it turned out to be about 70,000. In addition to that there were 30,000 civilians encountered

there and had to come out. They were fed along with the prisoners of war.

When the Japanese Army landed the Accused issued instructions to the troops as to their behavior. The Accused also issued a document prepared by members of the staff for the military government called Hito Tochic Yoko. If these had been followed out, if the ability of the Japanese Army had been sufficient to have supplied the food, and sufficient food, and medical supplies and personnel, the matters related here by the Prosecution's witnesses undoubtedly would not have taken place.

In the latter part of March there was prepared a plan for the evacuation of prisoners anticipated would be received from Bataan. That plan was a complete plan, based upon the expected number of prisoners of 40,000. Now, there had been and can be no question as to the plan itself, to adequately provide for the care of that number of prisoners. A greater number of course raised more difficult problems. Then another difficulty that the Japanese Army had was transportation. They had very few vehicles. There were very few here, in fact, because of the fact that the Americans and Filipinos in their retreat to Bataan had taken whatever they could get and they were the only ones the Japanese Army could get. Vehicles brought over here by the Japanese had been destroyed. Transportation, I think, clearly was inadequate, and there wasn't much that could be done by the Japanese Army.

The food supplies captured on Bataan, I think from

incontrovertible evidence in this case were nil. The amount of motor vehicles captured were few, in fact, that could be readily repaired and put to use; many were destroyed. I think Major Tisdelle stated through misunderstanding of directions some were destroyed. However, the fact remains there were not very many motor vehicles considering the number of prisoners to convey them by automobile to Capas and Camp O'Donnell. Upon capitulation the plan was ordered into effect. Now, the complaint is that the plan was not carried out.
The plan provided for the line of communication forces to supply the food and the medical department through the line of communication forces to supply the medical attention.

The Japanese hospitals undoubtedly were experiencing considerable difficulty in accommodating the number of Japanese, and also the American and Filipino prisoners coming along the route presented inconceivable difficulties. Whether that was met as it could have been even with the limited amount of supplies, I don't know. I do think the organization was faulty. It did not make the best use of the materials on hand. That, I think, could not be contributed to any inherent weakness in the plan; perhaps it was due to the ability or willingness of subordinate officers to carry it out. The plan was to use as much equipment as possible to move by transportation the prisoners of war to O'Donnel and others to march.

The condition of the American and Filipino troops

was not known to the Accused. It is inevitable men in that condition could not hold out very much longer, and all the Accused had to do was to wait for a few more days and the troops would have had to surrender from the lack of anything to fight with and they had no more food. Instead of that the offensive started and considerable casualties to the Japanese Army resulted. It is perfectly clear if he had known the condition of the Japanese and American forces he would not have incurred those casualties -- the condition of the troops was not made known even at the time of the negotiation for surrender or subsequently. It was only after they began to arrive that their true condition was known.

Now, Camp O'Donnell was one of the sites considered and selected of three, Paniqui and Cabanatuan. It was realized it was necessary to move some of the prisoners of war to other camps. Cabanatuan was prepared in the early part of May. In the latter part of May and early part of June, American prisoners were moved over there. In the meantime these prisoners were moved north and placed in O'Donnell. Unquestionably the facilities were not adequate, both as to food, sanitary conditions and medical supplies. Of that I think there could be no doubt the staff officers and personnel of the Japanese Army whose duty it was to know and to deal with that situation were perfectly well aware.

It is difficult to explain some of the things that occurred at Camp O'Donnell, such as has been testified to here by some of the Prosecution witnesses of the refusal

of Captain Tsuneyoshi, who was the first commandant there, to receive medicine, and who said truckloads were turned aside and sent back. I submit that is entirely incomprehensive and certainly serves no purpose at all, except perhaps as a sadistic whim of the individual there at the camp. If those supplies had been confiscated and used by the Japanese themselves it might be understandable. Just turned back and saying they cannot be used, as I say, to my mind, and I think to everybody else's mind, is inconceivable.

The conditions at Camp O'Donnell were much improved when Colonel Ito was made camp commandant. That testimony is uncontrovertible both as to Prosecution and Defense witnesses. After the Accused returned from Bataan and found from his advisers that Captain Tsuneyoshi was not getting along as well as they thought he should, a high-ranking officer was placed in charge of that camp.

Now, as to conditions in the camp: The failure to use shovels when they were available, as I say again, is incomprehensive. Certainly it does not present a policy of the Japanese Army. Shovels can be used for one purpose as well as another. Again I say that is a whim of the individual.

The organization of the camp was that the prisoners would be pretty much allowed to take care of themselves, form their own organization, issue their own supplies, form their own medical hospital and carry out other details.

As appears from the testimony of Mayor of Capas

received by the committee of the House of Representatives, supplies were actually given -- a whole jitney load of drugs was given to the prisoners at a presentation ceremony who had, at which he was present and representatives of the prisoners and the same Captain Tsuneyoshi. It also shows that the Governor of Tarlac and the Mayor of Capas and others organized relief for these prisoners, and food and clothing was given to the prisoners. The conditions at Camp O'Donnell improved steadily.

The conditions at Cabanatuan were never as bad as they were at Camp O'Donnell, and those conditions improved, more medicines were available, the health of the prisoners immediately improved and they responded to this treatment. What the prisoners needed was food and medicine, and that was one of the things the Japanese Army was not able to supply in sufficient quantities. To show that that wasn't so the Prosecution even endeavored to indicate there were huge stocks of supplies in Manila. That just isn't true. The American Army and Philippine Army had unquestionably taken as much quinine, the drug most needed, and other supplies with them when they went to Bataan. Furthermore, the testimony shows that the Commonwealth Government at the time of the invasion got as much medical supplies together as it could, and attempted and unquestionably succeeded in concealing most of the medicines and drugs from the Japanese. Some of it was found in hospitals. Well, that is hardly concealing. That is where you expected to find it. Medicines were not available here in the Philippines,

were not forthcoming from the Japanese Army, through Imperial Headquarters or through Formosa. That was the situation.

Now, as to the treatment of prisoners on the March there is a variety of testimony. I think the pattern that emerges from that is the treatment of the prisoners depended entirely upon the individual disposition of the guards. For example, we have the testimony of one of the Prosecution's witnesses in an affidavit to the effect that a man who had injured his leg was put on a calesa by a Japanese guard. He had gone, I don't know how far, on the calesa and was beaten for being on the calesa by another of the Japanese guards. This doesn't show a policy on the part of the Japanese Army to maltreat prisoners. Undoubtedly there was mistreatment of the prisoners along this route; I don't think there can be any question about it. I don't think it could be anything near like the picture the Prosecution presented. I think they presented a very extreme picture, and that if the facts are eventually known, it would not be that picture.

They have shown they are attempting to imply the Accused ordered a death march. That is a very easy transition to make psychologically from the fact that he ordered the march, that prisoners were maltreated, cruelty to prisoners, and undoubtedly in some cases the killing of prisoners. It is now being translated to an order for the Death March. That isn't so.

I think that the disposition of the Accused in this case toward prisoners was best illustrated -- and I think

the Accused should be given the full credit for the release of prisoners of war at Camp O'Donnell -- when he decided the only way to cope with this problem at O'Donnell was to release the prisoners, and they were released early in June. That was within two months -- one month and a half -- he released these prisoners so they could be given treatment at home, given medical treatment. The testimony shows that at the end of August there were only 15,000 Philippine prisoners -- that included all prisoners, the Americans having been moved to Cabanatuan, so 15,000 were there in August, -- and by the end of the year all of the Filipino prisoners had been released.

I think I have spoken broadly and have tried to give a true picture here. I will not go into details. I think that is the picture with which we are confronted. And I say that it is one of an army which was not prepared to conduct warfare in accordance with the standards which we would expect to meet -- certainly we would not invade a country as empty-handed as the Japanese did. They were conducting warfare on a shoestring. The government of Japan should be indicted for not supporting an army it ordered here in the Philippines. That is quite a different thing from saying that -- it was deliberate on the part of the commander-in-chief -- to cause these things to happen.

Lieutenant Pelz will take up the second part.

GENERAL DONOVAN: There will be a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

LIEUTENANT PELZ: To the broad picture which Captain Ott has painted, I would like to add one element under Article 7 of the Geneva Convention. The Accused was compelled to evacuate the prisoners of war from Bataan. That is perfectly clear from a reading of that provision. Moreover, it is clear that he was perfectly within his rights to march them on foot 20 kilometers a day. In view of the provision of that Convention and in view of the transportation shortage which Captain Ott has pointed out, I submit to the Commission that the commander-in-chief of the 14th Army at the time of the surrender of Bataan was damned if he did and was damned if he didn't. Captain Ott has given the facts as to supplies, which is the reason for so much that happened while General Homma was in the Philippine Islands, but there is no uniform picture for all these prisoner of war camps.

There is no pattern or design showing a desire to starve or torture the prisoners and internees. If there were such a design we would not have such a wide variance in the proof as to the different camps. I submit, however, that variation is not clear from a mere reading of the specifications. It is this point that I wish to clear up in the first part of my argument by referring to specific camps.

The wording of many of these specifications attempts

subtly to convert Prosecution's contentions into proved facts. In Specification 16, referring to Bilibid Prison, the vital words as to this Accused are "systematic, cruel, barbarous and uncivilized treatment" and "wilfully and deliberately failing." Those are the words that seek to link General Homma with conditions at Bilibid. What are the facts brought out by the Prosecution? Sergeant Bogie pointed out that there were 150 men at Bilibid when he arrived and that sanitary conditions were prepared for a relatively small group such as that. In the Sergeant's own words, "they did not know this large number was coming in from Corregidor." He has thus testified to poor staff work and planning, perhaps, but certainly to no systematic mistreatment. The testimony as to bad conditions covers only a few days during which Bilibid was used as a processing center. To refer back to Sergeant Bogie - and again I quote -- "after the middle of June, the room was ample enough for everybody that was there" and the sergeant himself was on a detail that made great improvements in the sanitary facilities. That is not systematic, that doesn't indicate any deliberate and wilful failure.

Not only does the wording of specifications attempt to alter the facts, but there are specifications which are only "make-weights." The allegations as to the Bacolod POW and Internment Camp at Negros is of this variety. Eight affidavits from only four persons were submitted in support of Specification 17. Each affidavit covered a narrow incident or subject and in most of them the statement is not clear as to when the incidents occurred.

Not one witness took the stand and gave us the whole picture of this camp for the only period in which we are interested. The worst that can be said about the Japanese from this evidence is that, as at Santo Tomas, the internees apparently had to shift for themselves as to food. But the affiant admittedly had sufficient food, and the only damaging statement - made by one of the five affiants - was that the prisoners were forced to drive trucks to supply soldiers on patrol against guerrillas, and his statement clearly indicates to date this occurrence was after 8 August 1942. In all his time at the camp, two Americans were wounded in this manner. The Japanese took the prisoners to Filipino dentists and doctors yet they are charged with "deliberately failing and refusing to provide medical supplies and attention." Not a word in any statement that sanitary facilities or shelter was insufficient, nothing about civilian women being subjected to indignities. The recipe then, for this kind of atrocity seems to be:

Take one or two facts supported by affidavits which admittedly are wrongs, allege but don't prove other and much more horrible facts, mix well, and there you have a real atrocity. And the Prosecution says they have proved this atrocity beyond a reasonable doubt because they have presented evidence in support of it. No atrocity has been proved as to the Bacolod camp. The charge sheet is not the evidence. These eight affidavits are the only evidence.

Prosecution's evidence as to the internment camps at

John Hay and Santo Tomas is not a tale of atrocities and brutalities. It is, as Captain Ott has suggested, the story of too little. The position cannot be taken that the Japanese wanted these people to suffer or that there was a studied policy of starvation. The begrudging admissions of Prosecution witnesses and the credible, detailed description by Private Uko of the system used for bringing in food and other supplies belie this. The standard of living to which Americans are accustomed may be inconceivable to the Japanese but they did not resist the attempts of the internees to approach that standard. The Japanese did not "refuse" the internees proper housing or sanitary facilities as it is specified. One Prosecution witness, a doctor, who had been at John Hay, admitted that not one internee died from lack of food or medical attention. And in these two specifications the words "cruelly torturing" and "brutally torturing" emerge as the extra-added attraction. At John Hay one American boy was beaten by a brutal guard and at Santo Tomas there were three executions, which I shall discuss later in connection with General Hayashi. The internees were not beaten. They were left to their own devices. When they obtained a public address system, they were allowed to use it. There was no maliciousness in this kind of administration. As to the inability of the Japanese to provide many of the things which we call the necessities of life, we stand upon Captain Ott's arguments and the bewilderingly pathetic supply system of the Japanese Army. General Homma was given to understand that the internees did not want Japan-

ese army rations, and his acceptance of the fact that the internees preferred to buy their own rations is understandable indeed. Seventy centavos a day may seem little to us, but to the Japanese it was more than a fair allowance. The 70 centavos was given the internees after July 1st, when it was noted that the funds of the internees were running low.

It is my honest belief that the over-all picture which has been painted for us of Santo Tomas is not a grim portrait of brutality, but rather a picture of freedom-loving Americans, confined under conditions that, to them, were objectionable and became magnified as the endless months crept by.

Chain of Command: There are at least five specifications which hinge upon chain of command. I need hardly review the conclusive and uncontroverted evidence that General Homma was relieved of responsibility for, and control of, military administration during the period 1 March to 9 May. This was a perfectly logical step for General Terauchi to take in view of the operational difficulties being experienced by General Homma. It also explains two of the most revolting incidents, two incidents which are inconsistent with the policies of General Homma. Captain Coder will discuss in detail the execution of Chief Justice Santos. As to the execution of the Chinese Consul General and his staff, Specification 20, we have direct evidence that Major General Hayashi signed the writ of execution. The date of the occurrence, 17 April 1942, supports this testimony. The fact that the

Chinese Consulate and Santos executions occurred during the period while General Homma was on Bataan is the best evidence of the lack of plan and design which Prosecution admitted is an essential element of their proof. Major General Hayashi, it was also, who ordered the execution of three escapees from Santo Tomas and even caused the fact to be reported in the newspaper. These executions were not the methods of General Homma. They were not in accord with his policies. That they were the methods of the man entrusted by General Terauchi with military administration is tragic.

The Fort Santiago specification (47 par. 1), the Floridablanca incident specification (47 par. 2) and the cruel mistreatment of Dr. Cullen specification (19) require a further understanding of the 14th Army's organization. To an American, after long experience with our own Military Police, the Kempei Tai is an organization which is almost inexplicable. We have no experience with a group which is in, but not of, an army. Indeed it is perhaps necessary to turn to the German Gestapo to find a parallel organization. Lieutenant Colonel Ohta was in the 14th Army, yet he reported to Kempei headquarters in Tokyo. Trained in the Kempei school himself, Colonel Ohta had personnel at Fort Santiago with the same training. What the training and background of these Kempei personnel was, is left to inference - but they were not trained by General Homma. His only instructions had been to observe his policy toward civilians and prisoners of war. Their violations of these instructions are in the record of this

trial. But General Homma was not responsible for the Kempei Tai, not even morally responsible. He had no real control over the Kempei Tai at any time; for most of his tenure, Ohta received all his orders from General Hayashi except for the small group of operational instructions. Staff officers avoided going to Fort Santiago, knowing as they did that any interference with the Kempei Tai was severely frowned upon by Tokyo. Again we may find a counterpart at the other end of the axis in the German Gestapo. Because the words Kempei Tai mean Military Police, the Commission, in all justice, must not fail to go beyond these mere words to determine what were the facts of the situation.

International Law: There are five specifications which turn upon an interpretation of the international law. One of these is the affair of the white flag over Corregidor, which Captain Coder will discuss. But I shall briefly allude to four specifications in which Prosecution is dangerously close to hypocrisy. Is there one code of international law for ourselves and one for our enemy? Or are we both bound by the same rules?

I have previously argued that there has been no proof that General Homma ever knew of the declaration of Manila as an open city. Similarly I have pointed out the extreme unlikelihood that the planes which bombed Manila on December 27th and 28th were even under his command - they were naval planes.

But a new factor has emerged into the revealing light of day since the arguments at the close of Prosecution's case.

Manila was not an open city. Would our government recognize a proclamation that came into its hands by means of a news broadcast? Not when there was a legal means of communicating that proclamation. The Swiss and Spanish Consuls were both available in Manila and the city could have been declared to be open and undefended through one of these neutral legations in the same manner as was Paris. Would we Americans concede that a city is open if troops were moving from the south through the city to the battlefront? We told the Germans we wouldn't, in a comparable situation. Would we say that the enemy could continue to run convoys into the city to gather supplies for the front? Sergeant Baldasarre and his convoy of 50 trucks made the last trip on the 1st of January 1942, and as he put it, "We carry guns with us, so if we got to shoot...". What would be our official reaction if enemy troops were left behind to blow up fuel dumps nearly a week after the proclamation? We would refuse to recognize the declaration even as we turned down the Axis proclamation as to Rome. If Manila was not, in fact, an open city, there was no violation of international law when Japanese planes bombed the city on December 27 and 28. The Commission must reject this hypocritical specification.

Before going on to another specification I should like to point out another instance in which the Accused is apparently being subjected to a new standard of international law. Much has been made by the Prosecution of its exhibit number nine - a warning dated 9 January 1942,

and including a threat to hold hostages if unlawful acts were committed against Japanese soldiers. General Homma was cross examined at length about this warning. What was wrong with it? We may not like to have it recalled to our minds but war is a brutal contest. If Prosecution had referred to Field Manual 27-10, Rules of Land Warfare, Section 358 on Reprisals, they would have seen that hostages would have been put to death if unlawful acts are committed by the enemy forces or people. The fact is that, as General Homma put it, the warning did not express his desires but it was perfectly legal and it was never carried out. The exhibit was apparently introduced to mislead this Commission into considering the warning a violation of the laws of war. It wasn't.

Now, as to Specification 2. That the General Hospital at "Little Baguio" was bombed on one occasion is clear. But to call it an atrocity, Prosecution must prove that it was a deliberate attack on a clearly identified hospital. Defense sought, but was unable to obtain, aerial photographs of the area. However, cross examination of Prosecution witnesses brought out the facts that the hospital was in a wooded area and that trees which might well have obscured the "Red Cross" on the roof. Obviously the fact that this is the only instance in which Japanese forces under General Homma are accused of bombing a hospital is the best evidence that there was no intention of doing this. The inaccuracy of Japanese bombing is not a crime. In the case of American Army air forces bombing of our own troops by mistake was

frequently admitted during the course of the war. We have apologized officially for the sinking of a hospital ship. It is logical to assume that errors must also have occurred as to enemy hospitals despite the lack of intention of our pilots. Without better proof than one lone incident, we must not ascribe such despicable intentions to our former enemies.

To allege as in Specification 3 that a hospital was used as a shield for artillery positions is to allege an abominable atrocity. But to prove that some artillery shells hit the hospital does not prove this allegation.

The first problem is to determine how far the artillery pieces were from the hospital. Three witnesses for the Prosecution presented three figures: Colonel Waterous, 500 yards; Corporal Cone, 880 yards; and Sergeant Parra, 200 yards. Realizing that these witnesses would hardly be likely to overestimate the distance, we are justified in stating the testimony of the three taken together supports the statement of General Kitajima as the best evidence. One thousand meters was the distance from the hospital of the nearest artillery piece. The artillery map speaks for itself as evidence in support of General Kitajima's statement.

Standard artillery procedure in the United States Army is that, even for service practice, any officer whose initial data is more than 400 yards in error is automatically rated as unsatisfactory for the problem. With this as a guide, we can see that there was no reason for the Japanese artillery commander to think that placing

a battery 1000 meters from the hospital would draw any fire upon that hospital. Certainly, it shows that the hospital was, by no stretch of the imagination, being used as a shield. I think General Homma had every right to have the utmost confidence that General Kitajima would never resort to such a beastly practice. General Kitajima knew precisely where the hospital was. Indeed, because of its presence, he had to remove one battery before it had fired.

I think it is clear from the evidence that if the hospital received fire from Corregidor, it did so because of its proximity to the important Cabcaben-Mariveles Road which Corregidor artillery kept under fire.

In Specification 11, we have another instance where the Prosecution has attempted to impose upon the Japanese forces a higher standard of international law than our own authorities recognize. When the Mariveles airfield was bombed, General King's forces had not surrendered. According to Prosecution's evidence, the last raid of Japanese planes was at 1100 on 9 April. Major Tisdelle has testified that at this very moment the Japanese officers arrived at Rodriguez Park for the surrender conference. Obviously, air bombardnment flights had not yet been cancelled.

What was the situation then when the pilots bombed the airfield? Fighting, as far as the Japanese knew, continued. Professor Hyde clearly states "the futility of the exhibition by a ground force of white flags as a means of informing a hostile air force of a desire to

surrender." That is the end of the quote. If the pilots knew what was going on at the airfield - and this is always in doubt - they had no way of knowing what to do except to carry out their missions. They were in the air before any Japanese in authority knew of the desire of USAFFE to surrender. Once in the air, they were military men with an assigned mission. If these facts indicate a serious flaw or discrepancy in international law, as Professor Hyde suggests, it was not the duty of those pilots to devise new rules on the spur of the moment.

As to Specification 4, many of the more general comments as to Specification 4 apply in part to Specification 47. But the unfairness of the procedure involved in the so-called particulars is most glaring as to the charge of widespread rape. It was apparent at the start of this trial that Specification 4 meant nothing, even to the Prosecution. But to overcome the obvious difficulties, the Prosecution devised a startling procedure. We have witnessed a dangerous and novel method of proof in this case! A few cases proves a great number. The missing link in this system is provided by nothing more nor less than the testimony of Prosecution. Two brief excerpts from Colonel Meek's arguments will suffice:

At page 105-a - and I quote - "I want to say this: That we have many scores more," and again,"But we do not want to burden this Commission with all of that, and we have picked a typical group of cases." And at page 2422 - and I quote - "We have picked typical atrocities involving rape in different localities throughout the Philippine

Islands. I submit that we could have spent days here in presenting that evidence."

These statements are not evidence. The only evidence before this Commission was presented by witnesses of whom six were women. And of those six one told of a somewhat fantastic occurrence at the corner of Quezon Boulevard and Espana, while another related the story of seven rapes in one room, all taking place with unbelievable and clocklike precision. Of the six women, only one reported the attack to the authorities, and, as everyone in court recalls, the authority was the man who committed the offense. The Manila Chief of Police testified on cross examination by Defense that he reported twenty odd cases of rape to the Japanese authorities during the first six months of 1942. Not one of these reports contained any identification of the guilty soldier. If the cases presented by Prosecution are "typical," it is surprising that the Japanese were able to convict any of their soldiers of the crime of rape.

The court-martial record of the 14th Army introduced into evidence shows that every effort was made to punish soldiers guilty of rape. The sentences were commensurate with the maximum laid down by the Japanese Manual for Courts-Martial, and, I might add, they were similar to the sentences imposed by most legal systems. Our own severe sentences for rape - fair as we think they are - were much criticised in European countries during this war.

If widespread rape is alleged, it must be proved.

If Prosecution had the evidence - which I seriously doubt judging by the type of cases proved in this trial - it had to present that evidence. Is a general to be convicted of such an offense because his prosecutor says there is a great deal of evidence never presented in court?

Captain Coder will speak next.

GENERAL DONOVAN: The Commission will take a five minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

CAPTAIN CODER: It is my purpose at this time to set forth argument on behalf of the Accused as to certain miscellaneous specifications and the additional Charge and specification. In order to present such argument in a logical manner I have grouped these various specifications as follows:

1. Prisoner of War Work Details;

2. Treatment of Prisoners of War Who Surrendered at Corregidor;

3. The Death of Mr. Santos;

4. Miscellaneous Incidents;

5. Surrender of Corregidor.

I shall deal with these groups in the order above enumerated.

Prisoner of War Work Details: Specifications 25, 32, 33, 35, 37, 38, 44, and 47, Paragraph 3. In substance these specifications allege the following:

Failure to supply adequate food and medical supplies and forcing prisoners of war to work under unsanitary conditions; and

Mistreatment of prisoners of war.

In treating with the above it must be remembered that we are not here concerned with the individuals who were physically active in the perpetration of such of these incidents which have been shown to have occurred and

it does not follow that because such incidents did occur that General Homma is responsible for them. The question to be decided is the relationship between General Homma and such incidents.

On the failure to supply adequate food and medical supplies forcing prisoners of war to work under unsanitary condition. From the record it is apparent that there was a general lack of food for prisoners of war and at the same time evidence that there was also a lack of food for the Japanese troops and here I quote from the testimony of Father Leon Quintiller, who says "and for food they were complaining: they said that they did not get enough, and the rest of the Japanese soldiers they complained about the food." In relation to Specification 33, in which inadequacy of food is alleged, however, there is the evidence of Major Charles Thomas Brown of the U. S. Medical Corps, and I quote from his statement that "The food at the time of our arrival might be considered sufficient and had been for the previous three weeks."

Nowhere is there evidence that the Japanese willfully withheld food from the prisoners of war and there is evidence to the contrary. I quote again from Father Quintiller: "In the very beginning they were allowed to roam around in the town, to look for food, and so they came to our convent to get food."

That the supplies of the Japanese Army were woefully inadequate has become more and more apparent as this trial progressed. It has been testified that the same rations were given prisoners of war as were given Japanese troops.

General Homma has testified and his testimony has been borne out by various other witnesses, that numerous requisitions were made for supplies of all kinds and that these supplies were not forthcoming. General Homma had been promised the inclusion of prisoner of war camps in the Order of Battle of the 14th Army at the time of the fall of Bataan and until he received this he had no basis upon which his requisitions for supplies would be honored. General Homma made repeated efforts to get this Order of Battle from Tokyo and finally sent his chief of staff to Tokyo to see what could be done. In passing judgment on General Homma in the matter of food, clothing and medical supplies, the conception which we of the American Army have of supply must be cast aside and it must be borne in mind that General Homma did not have a vast industrial and agricultural production machine behind him as the American Army did, but rather, a nation without the vision to foresee or the mechanism to produce even the bare necessities for fighting a war which encompassed half the globe.

As to medical treatment there is evidence that the Japanese tried to supply medical attention and obtained the service of Philippine doctors in several instances and also utilized the services of American medical officers. That the Medical Corps of the Japanese Army was ineffectual, inefficient and even ignorant can be adduced from the testimony here. But this was not the fault of the Accused.

Concerning the mistreatment of American prisoners of war there has been no evidence of any widespread pattern of mistreatment which the Prosecution maintains is essential

to the proving of their case, but rather, the individual instances shown were in connection with work details operating in outlying districts and witnesses have stated that the treatment they received depended on the individual temperament of the individual guards in charge.

Of the prisoners of war who surrendered at Corregidor, on Specifications 28, 29, 30, and 31, it is manifest that the Japanese on Corregidor had to concentrate the prisoners of war at some point and according to the Witness Sergeant Thomas H. Bogie the 92nd Garage area was a good place for concentration and although it has been contended that there were suitable quarters for the housing of prisoners of war on Corregidor Colonel John Pugh, in his testimony, left little doubt that there were any habitable buildings left standing. Sergeant Bogie in his testimony says that he was given very little information on the morning of the 6th of May and had no opportunity to take his personal effects with him to the 92nd Garage area; however, this evidently was not the case with many other of the prisoners, for in his testimony Rosalio Jose Rodriguez, in his description of the march on Dewey Boulevard, says "most of them were also dressed only in pants and carrying heavy baggages."

Much testimony has been taken here on the so-called Dewey Boulevard victory march, implying that it was designed by the Japanese for the purpose of parading the American prisoners as objects of degradation and humiliation in the eyes of thousands of Filipinos and Japanese. Yet every witness denied that the march had been advertised or publicized in any way or that he had known about it

previously. A glance at the map shows that the route taken by the prisoners of war was quite obviously the most feasible one.

In connection with these specifications concerned with the treatment of prisoners of war taken at Corregidor I would like to state here that there is only the testimony of three witnesses in the record who participated in these events, and although their testimony is valuable in determining the experiences which they themselves underwent it should not be construed as conclusive as to the experiences of the 10,000 men who were on Corregidor.

I now come to the death of Mr. Santos, Specification 45. The death of Justice Santos occurred on May 7, 1942, in Mindanao. This was one day after the fall of Corregidor and General Homma was at that time on Bataan winding up his affairs there.

At the time of Justice Santos' execution and prior thereto the affairs of military administration were in the hands of General Hayashi, whose headquarters were in Manila. There is the testimony of General Homma and General Wachi that immediately after the fall of Bataan General Hayashi came to see General Homma to congratulate him on his victory and at that time mentioned that Justice Santos had been found in Cebu. General Homma in his testimony says that at that time he knew nothing of Mr. Santos beyond the fact that he was President Quezon's representative, but knowing well the value of able statesmen he asked General Hayashi to take good care of Mr. Santos so that he might take part in the future government of the Philippines.

When Mr. Laurel spoke to him about Mr. Santos, General Homma naturally referred him to General Hayashi, in charge of Military Administration, recalling to his own mind his previous conversation with General Hayashi. Immediately upon learning of the death of Mr. Santos, General Homma started an investigation into the circumstances surrounding it, an investigation which, according to General Wachi, was never completed because General Homma's successor was not interested in it. There has been an effort made on behalf of the Prosecution to link General Homma with the death of Mr. Santos and I refer here to the testimony of Salvador Abad Santos, who stated on the witness stand "I asked Commissioner Laurel to intercede for my brother Jose and he promised to do so. A few days later I saw him again, and he told me that he had seen General Homma, and that General Homma told him that 'We are bitter against Abad Santos.' According to Laurel, those were the exact words used by General Homma. Sometime later Laurel sent for me, and he told me that Jose had been executed, and that his death warrant was signed by General Homma."

In direct controversy with this testimony is the evidence of Mr. Laurel, who, with no interest here, has further jeopardized a precarious position for the sake of truth, in order to explain the statements of Salvador Abad Santos. In his affidavit he denies that General Homma ever said to him that "we are bitter against Abad Santos," and he states he does not know who signed the death warrant.

It has not been shown that the Accused knew of the execution, ordered it, condoned it, or in any way was a

party to it, but to the contrary, it has been shown that General Homma had every interest in the well-being of Mr. Santos; that he was, in his own words, furious when he learned of it, and immediately ordered an investigation.

Now, there are certain miscellaneous incidents which I wish to take up at this time. They include Specifications 6, 40, 42, and 46.

Specification 6 deals with the beating of four unidentified soldiers about the head and arms. I will treat with it very briefly, merely pointing out that the proof of this incident relies entirely upon the admittedly hearsay statement of Colonel Waterous and the affidavit of a man who was 200 yards away lying in a hospital bed.

Specification 40 deals with incidents which occurred on Leyte on or about 16 February 1942. The Defense has made no effort to disprove the allegation averred therein, but specifically denies any connection of any members of the 14th Army with these incidents and points to the voluminous testimony of both Japanese and Filipino witnesses that no troops of the 14th Army landed on Leyte until after the fall of Bataan in April, 1942.

In all these specifications above treated there is no evidence whatever connecting General Homma with the events which took place and no evidence to show that he knew of them or that he condoned them or that they were consistent with any policy adhered to by him.

I would like to dwell briefly on Specification 43. This concerns the shooting of Buenaventura Bello on 10 December 1941, and is the very ultimate in stretching the

theory of command responsibility. General Homma was at the time over a thousand miles away in Formosa and the unit responsible for the incident had been under his command for a period of approximately two weeks. Under this theory if General Homma is held responsible one might easily bring charges against General Eisenhower for the Hicswa case where an American soldier killed two Japanese civilians without cause.

I come now to the surrender of Corregidor, the additional Charge, the specification thereunder, and Specification 27. The Commission will recall that I spoke on this matter at the close of the Prosecution's case. I shall endeavor not to repeat any arguments which I used there.

However, I shall again call your attention to the wording of the additional Charge:

"That Masaharu Homma, then Lieutenant General of the Japanese Imperial Army and Commander-in-Chief of the Philippines of the Armed Forces of Japan at war with the United States of America and its allies did, on 6 May 1942, unlawfully refuse to grant quarter to the armed forces of the United States and its allies in Manila Bay, Philippines, and did thereby violate the laws of war."

The crime alleged here is failure to grant quarter. In analyzing this allegation let us first define quarter. According to Black's Law Dictionary, Third Edition, quarter is defined: "The sparing of the life of a fallen or captured enemy on the battlefield."

If General Homma did not grant quarter to the troops

on Corregidor why isn't there testimony of the wholesale butchery of American troops on Corregidor during the night of May 6-7, 1942? According to the Prosecution this would have been very easy to accomplish for they maintain that the American troops had lain down their arms and were defenseless and had it been the intention of the Japanese forces not to grant quarter there was nothing to stop them from carrying out that intention.

In actual fact there is only the testimony of Colonel John R. Pugh who, according to his testimony, saw "three fresh dead about three o'clock on the afternoon of May 6, which he attributed to artillery fire."

The additional specification and Specification 27 grow out of artillery fire directed at Corregidor on the afternoon of May 6, 1942, while a white flag had been raised over the island of Corregidor. This fact General Homma admits and it was at his order that an artillery concentration was fired on the night of May 6, 1941, to cover the landing of troops.

We again call the Commission's attention to FM 27-10. The Rules of Land Warfare, Paragraph 223, Signification of white flag:

"The white flag, when used by troops indicates a desire to communicate with the enemy. The hoisting of a white flag has no other signification in international law. . . ." And Paragraph 224, Fire during display of white flag:

"The enemy is not required to cease firing when a white flag is raised."

Certainly General Homma was under no obligation to cease his attack on Corregidor, although that he did so is borne out by the testimony of General Wachi and the Artillery Commander, General Kitajima, together with others on General Homma's staff.

When the meeting between General Homma and General Wainwright ended in disagreement, General Homma was faced with the problem of having a very much inferior force of only two thousand men on Corregidor at the mercy of the much larger force of from 10 to 12 thousand men of USAFFE.

Put yourselves in his position. What would any of you have done? Would you have left those troops there not knowing what the enemy's intention was, or would you have reinforced them?

I believe you would have reinforced them.

There has been broad inference on the part of the Prosecution that General Homma refused to accept the surrender of Corregidor and the fortified islands in Manila Bay with the intention of annihilating them if General Wainwright did not surrender all the forces in the Philippines. If this contention is correct, how does the Prosecution account for the statement of Major General George F. Moore who, in Prosecution's Exhibit No. 419, in answer to the question, "What time did General Wainwright return to Corregidor?", states, "About 8 o'clock that night. I saw him about 10 o'clock, he told me the results of the conference. He told me that he had seen General Homma who had refused to discuss with General Wainwright the surrender of Corregidor and the Manila Bay area. General Homma left

the conference and said if he wished to surrender Corregidor he would have to talk with the Japanese general on the Island."

Where did General Moore get this idea; if it is not true, did he dream it up somewhere? The Prosecution has offered no explanation of it whatever.

In the face of this statement does it look like General Homma was refusing to grant quarter or refusing to accept the surrender of the four fortified islands in Manila Bay? It certainly does not.

There has been a great deal of testimony here in connection with firing on the parlementaire, both in the case of General King and in the case of General Wainwright.

At this time I would like to again quote from Field Manual 27-10, Paragraph 225:

"Fire not to be directed on the parlementaire. The fire should not be intentionally directed on the person carrying the flag or upon those with him; if, however, the parlementaire or those near him present themselves during an engagement and are killed or wounded, it furnishes no ground for complaint. It is the duty of the parlementaire to select a propitious moment for displaying his flag, such as during the intervals of active operations, and to avoid the dangerous zone by making a detour."

Although General Homma has not been accused of it there has been much brought out by the Prosecution that General Wainwright was held as a hostage by the Japanese forces in order to insure the surrender of the troops under his command. It is admitted that General Wainwright

was kept in Manila from the time of his surrender till June 9, 1942. But what more logical place could he have been kept? He was the commanding general of troops scattered throughout the Philippines which he had surrendered. There would be, naturally, details to be worked out in accomplishing that surrender. Suppose that some of those troops refused to abide by the surrender terms? The logical man to straighten such matters out would be General Wainwright. Much insidious weight has been placed on the note that General Wainwright received on June 9. The intended inference being that up until June 9th General Wainwright was considered a hostage and thereafter a prisoner of war.

This is simply not true. The note means exactly what it says, and I will quote it here:

"The troops under your command have now surrendered. Your command ceases, and you have now become a prisoner of war and will, today, be conducted to a prisoner of war camp at Tarlac."

In other words, General Wainwright was considered a commander of enemy troops until June 9, and thereafter as a prisoner of war.

The argument that he was held as a hostage is unfounded. There is no testimony to the effect that he was ever threatened with violence in any way or ever told that he was a hostage. Even the Prosecution will have to admit that he was in the custody of the Japanese and that it was much more convenient to detain him in Manila where he was available than at a prisoner of war camp.

In closing I must ask you all to consider these facts

in the light of reason. What would you, yourselves, have done under the circumstances?

Would you have reinforced your troops on Corregidor? Would you have dealt with the enemy at arm's length? Would you have taken any chances?

You would have done exactly as General Homma did.

I thank you.

GENERAL DONOVAN: We will have a five-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

MAJOR SKEEN: If the Commission please, in order to find the Accused guilty under the Charge, the Prosecution must prove beyond all reasonable doubt that he is connected with the atrocities which have been alleged. The only basis on which the Prosecution has sought to prove such vital connection is that these alleged atrocities were so widespread and numerous as to constitute a pattern and design with the result that because of this the Accused must have known of these occurrences. The Prosecution admits that had he not known of these incidents he could not be held responsible. To be said to permit an act an individual must know of its commission and do nothing to prevent it or take no means to punish the offender.

Throughout the progress of this case it has become ever more apparent that the Japanese nation was not prepared to wage a war when judged by our own standards. If

the supply situation of the 14th Army at the outset of the Philippine campaign is an example of the preparations considered necessary by the Imperial Headquarters for the initial campaign in a war against the United States it is ludicrous when compared with the preparations made by our own armed forces prior to an invasion. The 14th Army was lacking in medical supplies and installations, the food supply was insufficient, and the troops had received little or no training in the type of operations to be encountered. In short the entire operation was conducted on the proverbial "shoestring", as Captain Ott has already stated. However, the Accused should not be made to pay for the tragic results of the lack of foresight of the ruling powers in Japan at that time. He was an able general who was given an almost impossible task. He was ordered to accomplish a difficult mission with an ill-equipped and poorly trained army. One division of this army was under his control for only a month prior to the invasion of the Philippines and all other principal elements of his army arrived under his control while he was actually engaged in combat with a determined and bitter enemy. At a time when he was in the need of experienced and well-equipped troops the entire 48th Division was removed from his command to another theater of war and no unit sent to replace it. This was the only unit in his army which he had, through personal contact, any opportunity to train in his ideals for the treatment of civilians and prisoners of war prior to the invasion. For more than a month he fought on with inadequate supplies and troops until the 4th Division and the

Nagano Detachment arrived in the Philippines. These units arrived from China and it was necessary to immediately commit them to action with no opportunity of indoctrinating them with the ideals and policies of the Accused. A month later two further units, the Kawaguchi and Kawamura Detachments, arrived in the Philippines. These units never debarked on the Island of Luzon, but went directly to the Visayas and Mindanao. After the fall of Corregidor the 4th Division and Nagano, Kawaguchi and Kawamura Detachments were immediately removed from the command of the Accused. Thus, during the entire time that these units were assigned to the 14th Army, they were engaged in combat operations, and there was no opportunity for the Accused to indoctrinate any of them with his policies.

Not a single staff officer of the 14th Army was chosen by him. The Accused did not deny that during the campaign he had confidence in most of them, even though they were not of his choosing. However, looking back he questions whether that confidence was justified and it is certainly questionable whether it was. To remove any staff officer or unit commander from his command was a long procedure, something that he could recommend but not control, and his recommendation might not be approved. This inability to remove or reassign officers extended even to the grade of company commanders. It is obvious that such a limitation on the authority of a commander-in-chief is bound to result in lack of control over the actions of his subordinates. The thought of such a limitation is completely alien to anyone familiar with the American Army.

Complete control by a commander of his officers must necessarily involve the power to remove summarily if the occasion demands. Especially is this true of the commander of an invading army in hostile territory. But in judging whether he "did unlawfully disregard and fail to control the operations of the members of his command," you must base your decision not on the control he should have had, not on the control he would have had as the commander of an army of the United States, but on the control he actually has as a lieutenant general of the Japanese Imperial Army, the 14th Army in the Philippines. I cannot stress this point too strongly. In order to be found guilty of culpable failure to control he must be judged not on the control he should have had but on the control he actually had.

Staff procedure in the Japanese Army as described by the Accused indicates a laxity incomprehensible to an American Army officer. The statements of the Accused have been amplified and corroborated by the testimony of his staff officers and of other officers of the Japanese Army who appeared before this Commission. All stated that a commander-in-chief was not expected by his subordinates to personally inspect unless he had some reason to believe that his orders and policies were not being carried out. Not only was he not expected to do so, but under the army of which he was an officer inspections were rarely made by the commander-in-chief himself, and then only after prior notice. In the Japanese Army there is no such procedure as the "routine inspection" of units which is so common in our own army. The officers who actually made inspections

and were aware of the conditions reported them to the commander-in-chief. In every case they testified that the Accused was assured by themselves that measures were being taken to alleviate conditions and that their subsequent reports indicated that these conditions were in fact improving. In no case did a staff officer testify that he had ever reported to the Accused any case of an atrocity or laxity on the part of subordinate officers. Why were they not reported? In some cases because they did not believe maltreatment existed and in others because they did not want him to know about it. It should be obvious to the Commission after listening to the testimony of staff officers of the Accused that they did not honestly inform him as to the actual conditions.

The lack of control that would ordinarily result from constant flow of units assigned to the 14th Army, the inability of the commander-in-chief to change his staff officers and unit commanders, and the inherent laxity of the system of staff procedure in the Japanese Army was in the case of the army of the Accused enhanced by the fact that the policies of the Accused were known to be adverse to those of the Imperial General Headquarters. There can be no question that the policies and ideals of the Accused were known by members of his command to be adverse to those of the authorities in Tokyo. For many years he had publicly and frequently espoused liberal ideas and expressed disapproval of the waging of any war of agression. The disapproval of the Imperial General Headquarters was further evidenced by visits to the Philippines of high ranking

officers who openly criticized to his own officers the application of the policies of the Accused. The conduct of members of his command must have been motivated with the thought in mind that more drastic measures than those advocated by the Accused were desired by the Imperial General Headquarters; that therefore his tenure must be temporary, his favor and good opinion unimportant; that in order to advance in the army which was their profession they must follow the policy of the Imperial General Headquarters. This might be true in any army but would be an even stronger motivating force where they could not be removed on orders of the Accused as commander of an army but only on orders of the higher headquarters which regarded his policies with disfavor and did not want them followed.

From the evidence it is definitely established that all members of the 14th Army were informed of the policies of General Homma with regard to the behavior of troops and treatment of prisoners of war. Every witness who was in position to know testified to the fact that such instructions were issued in the short time between the activation and actual invasion of the Philippines. That these instructions as they pertained to prisoners of war were in accordance with international law is evident upon examination of Defense Exhibit H, "Regulations for the Handling of Prisoners of War," and from the testimony of the Accused to the effect that the instructions published by the 14th Army were based upon these regulations.

That the Accused actually attempted to insure that his instructions with regard to behavior of his troops were

carried out is evidenced by Defense Exhibit I, "Record of Courts-Martial Cases of 14th Army," and the testimony of the Accused and other witnessses that every reported case of misbehavior by an individual was investigated and many Japanese soldiers were tried and convicted. Subordinate members of his command, knowing the policies of the Accused, and knowing that punishment would be the result of any violation of the orders which had been issued would make every effort to conceal instances of misbehavior by themselves or those under their immediate command. In every case of alleged specific atrocities there was no evidence that the incident was ever reported to the Japanese authorities. In many cases where the witnesses were present before the Commission they themselves stated that no report of the incident was made to the Japanese Army.

As Lieutenant Pelz mention, the only case where a witness testified that he had a report, such report was made to the Japanese officer who had committed the offense.

It is true that in most instances the reason given for the failure to report was fear of punishment by the Japanese, but if such instances of brutality were as widespread and notorious as is claimed by the Prosecution, knowledge of them must be imputed to those prominent Filipinos who were members of the civil government, and the evidence shows that none of them made any such report. The explanation of fear of punishment cannot be made as to them. The Accused has testified that he frequently met and conversed with many prominent figures in the Philippine Government, that they had every opportunity to report any

instances of misbehavior to him, and that he never received any complaints about the behavior of his soldiers. The same testimony was given by Marquis Tokugawa, one of the last witnesses for the Accused. The explanation may be either that these people knew and did not apprise the Accused of the alleged misbehavior of his troops or that they did not know. If the answer is the former it is further evidence that General Homma did not know. If these people who were Filipinos, did not themselves hear of the alleged atrocities, there is less reason to believe that the Accused was ever aware of such occurrences.

The only existing standard for determining what constitutes a pattern and design as far as treatment of civilians and prisoners of war by a conquering army are concerned is the Yamashita case. That case, as is well known, contained 123 specific instances of atrocities committed by Japanese troops during the period of command of General Yamashita. The Commission found that orders had been issued by subordinate officers leading directly to the mass extermination, torture and rape of civilians. There was evidence adduced which indicated a plan according to which these atrocities were carried out. Further evidence showed the burning and demolition of great areas of the cities and towns of the Philippines, particularly Manila, at the time the Japanese forces were driven from the City. There was some evidence that these crimes were so widespread that they must have been either wilfully permitted by the Accused in that case or secretly ordered by him. There is no such pattern and design in this case.

An analysis of the specifications in this case shows that they may be divided into four classes. First, those specifications dealing with an interpretation of international law such as Specification 27; secondly, that class of specifications that are attributable to the Kempei Tai; thirdly, those specifications concerning care and treatment of prisoners of war; and fourthly, those charging the commission of specific atrocities against civilian and military personnel.

As to the first group which involves interpretation of international law, those questions have already been argued before this Commission. As to the second group, it has been shown that the Kempei Tai, although technically under the command of the Accused, was in fact an independent organization divorced from command channels of the 14th Army. The third class of specifications includes by far the greatest number of instances of alleged mistreatment. All such incidents, of which some were of a continuous nature, such as prisoner of war camps, were directly attributable to the extreme and critical lack of medicine, food and clothing, from which the Japanese Army was itself suffering. At the direction of the Accused, everything possible was done to alleviate these shortages. The final solution to these tragic conditions was beyond the power of the Accused. He finally took the only step which he felt would most promptly bring aid to the thousands who were in need of those things which he could not provide. The unprecedented and early release of prisoners of war is certainly indicative of the deep and serious thought given by General Homma to the

problem which was foremost in his mind. Scarcely had actual hostilities in the Islands ceased when the first prisoners were released. This was a step which might have endangered the success of the entire conquest of the Philippines. Guerrilla activities were widespread throughout the islands and there could be no positive assurance that those people who had recently been bitter enemies of the Japanese would not take up arms immediately upon release, and there is no doubt that some did. The fact that the Accused ordered the release of these prisoners in some cases before he had received authority from Tokyo is the most positive proof that their conditions as prisoners of war could be in no other way promptly and effectively relieved. It cannot be denied that politically this release of prisoners was in full accord with and an important step toward the promotion of the policies of the Accused toward the Filipino people for which he was so much criticized in Tokyo and later relieved.

From the very outset of his campaign the Accused's announced policy in the Philippines was to secure the good will of the Filipino people. The evidence clearly shows that General Homma never wavered from his position that the people of the Philippines must not be oppressed, but rather, must be conciliated and treated with respect and consideration. Since this was his sincere belief it is not reasonable to think that he would have permitted their mistreatment had he known that such things were taking place.

Finally, we come to that class of specifications that includes specific atrocities. Including those incidents

which are alleged to have occurred during the march from Balanga to San Fernando there are approximately fourteen instances. Some of these are highly incredible and even upon consideration of the evidence adduced by the Prosecution there remains great doubt in the mind of an average man that such things could have occurred. This doubt is based in many instances on the credibility of the witnesses and their obvious antagonism against the Accused. An outstanding example is the Pantingan River incident. The story itself is beyond the comprehension of an average person. When it is recalled that it was told by two witnesses who had fought against the troops of the Accused and were without question prejudiced it becomes less credible, particularly when it is noted that there was absolutely no scrap of evidence as to the existence of 400 bodies when both the witnesses testified as to the exact location of the alleged massacre. The Prosecution must have investigated. If they had found any trace of the bodies they would have brought in evidence showing what they found. We must assume they found nothing. The story then becomes impossible to believe. Can we believe that 400 bodies, more than two companies of infantry, have disappeared without a trace? Even if such an incident did take place it is obvious that the perpetrators would take the greatest care that its occurrence should never come to the attention of the Accused. Had any atrocity been brought to his attention there is no doubt that the offender would have been punished accordingly.

Based on the arguments of the Defense those incidents included in the first three classes of specifications

cannot be considered as a basis for any pattern and design of atrocities. That leaves us with only those specific atrocities that we have grouped into the fourth class. Although these instances involve many people the number of events is not great. Now, it cannot be said that the commission of such a number of crimes by an army over a period of eight months is such a widespread pattern and design of atrocities that knowledge of their commission must be imputed to the Accused without any specific evidence that any of them came to his attention. Apparently the Prosecution attempted to definitely connect the Accused with those atrocities by the uncertain testimony of three witnesses. Two of these witnesses claimed to have seen General Homma on the route of the march of the prisoners of war. Both testified that he was in an automobile. One stated that he did not stop and that there was no mistreatment of the prisoners occurring at the time. The other did not decide until later when he said that he determined from a newspaper picture the man he had seen was General Homma. But the Accused does not deny that he traveled along the route of march. On the contrary, he stated, as accurately as he could remember after four years, the date on which his trip was made. He described the prisoners that he saw as "tired and haggard," which we know they must have been. He did not see any mistreatment of the prisoners. The third witness claimed to have seen General Homma on an inspection of the prisoner of war camp at Cabanatuan. The witness was uncertain in his identification and said further that the camp was in far better condition than usual on the occasion

of the inspection. As to this witness' testimony the Accused has testified that he had never had an opportunity to inspect any prisoner of war camp. He said that General Morimoto was sent by him to Cabanatuan in the latter part of July, 1942. This is the same time at which the witness said the inspection by General Homma was made. The Prosecution has not shown, as it stated it would, atrocities so widespread and so broad in pattern and design and so continuous that they will lead to the one and final conclusion that they were within the knowledge of this Accused.

With no standard by which to determine how many acts within a given period of time constitute a widespread pattern and design. It is a dangerous precedent to set for posterity to say that in this case such a pattern and design has been established. In the event of our defeat in a future war it is inevitable that the commanding generals of our armies would be accused and tried.

This entire case is an indictment not of an individual but of the system and background of the Japanese Army and Japanese theory of waging war. The evidence here and the results of this war have shown that the Japanese Army was lacking as to control, communication, staff procedure, and in many other respects. It is sought to judge this Accused by the standards of our own army which are, despite frequent criticism, among the most efficient in the world. We can only fairly judge this man by the standards established by the Japanese Army.

Unless the Commission, after a consideration of all the evidence adduced in the case, is convinced beyond all

reasonable doubt that the Accused is guilty, then their verdict must be an acquittal.

Finally it should be pointed out that all of the evidence is not to be found within the printed pages of the record. In the short space of six weeks all members of his counsel have become thoroughly convinced of the sincerity and integrity of General Homma and are proud to have represented him. He desired to take the witness stand and testify under oath on his own behalf and to subject himself to cross examination. The Commission has listened to his testimony for two and a half days. Although hampered by language difficulties he answered all questions of both the Commission and the Prosecution without equivocation. He has given an absorbing account of his campaign. It was not vainglorious; it stressed far more its unexpected length, the three critical moments, the almost fatal mistakes, than it did the final conquest of these Islands. It had the ring of truth. You have observed his manner on the witness stand, watched him through these weeks seated at the counsel table while witnesses for and against him testified. Can you say after talking with him that he is a cruel and heartless man that would have permitted his troops to commit atrocities had he known about them? Should his life be taken the world will have lost a man who could do much toward the continuation of peace. We therefore submit that after a careful analysis of all the evidence in the light of American justice this Commission should render a verdict of not guilty under the Charge.

GENERAL DONOVAN: There will be a ten-minute recess.

(Short recess.)

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present, and we are ready to proceed.

ARGUMENT ON BEHALF OF THE PROSECUTION

COLONEL MEEK: As we come to the final stages of this case, I want to say to this Commission that the Prosecution here had but one duty, and that was to present as fairly and concisely as was within our means, the evidence upon which this case has been based. That we have endeavored to do.

It is now the duty of this Commission to determine from the evidence submitted here and to evaluate the evidence submitted here, as to the truth or falsity of the witnesses testifying their interest of lack of interest, as to what the true facts are.

I want this Commission now to go back with me to 1941 and 1942. Let us consider not this case as it might have occurred today or yesterday; let us not consider this Accused in the light of his appearance here today, but rather, and we have in evidence here pictures of this Accused when he was the domineering, dominant, victorious commander of the Imperial Japanese Forces in the Philippine Islands, and you will see a much different contrast than has been pictured here by this defendant himself.

I want you to consider the fact that the evidence here shows that General Homma was one of the brilliant generals of the Japanese Imperial Army. There is evidence here to show that in Formosa from March until the invasion

they were training troops there for the invasion. There is evidence here, by his own admission, that about the middle of November he was called in to Imperial Headquarters and there given the mission of the invasion of the Philippine Islands.

What was he equipped with?

According to his own admission, the best troops that the Japanese Army had. It is only fair to assume that if he was given the best troops that he must have been given the best of everything, and to hear him here say now that he was short of medicine, that he was short of supplies, that he had inadequate this and inadequate that, is not within the line of reason. For surely this Accused will not presume to think that this Commission, or that any reasonable man would assume that the Japanese Imperial Government would start the first invasion against American troops without a competent commander, without competent equipment and trained troops for that invasion, and that is exactly what he had.

I want you to consider that in the early phases, in fact all of the phases, that we are concerned with here, and that is from the 10th of December to and including the 5th of August, that this Accused was the commander-in-chief in the Philippine Islands of a victorious army. He was charged with the terrible responsibility that any commander-in-chief is charged with, and that is to see that his troops performed their mission in peace as well as in war.

We admit the ruthlessness of war. We abhor the ruthlessness of war. Those are not the things that we are

concerned with in this case, not the things that happened in actual battle, those will happen as long as wars are fought. We are concerned here more with the things that this Accused's troops committed.

It is not so much that he did not have the knowledge of all of those things. We contend for the Prosecution that he had knowledge of all of them, and that he did not care. It was not that he did not know. It was, and it runs all through this entire case, that this Accused knew, and knowing did nothing about it because he did not care.

There has been proven in this courtroom a pattern of atrocities starting when? With the initial landing on December 10th, and I refer to the flag incident where the little school teacher Bello was shot. There was your first atrocity, and it carried right on down through.

I want to comment for a moment upon the open city. The Prosecution maintains that we have proven that there was firing on an open city. I first of all want to comment upon the fact, as has been stressed here, in regard to Rome, first, I want to say that our definition of an open city means that it is undefended and open to the enemy to enter at will; as to Rome, General Eisenhower, as I recall it, and I have been accused of testifying in this case, and I am not testifying now, said that Rome is not undefended.

Now, what do we have here? We have the admission of the Accused that his first mission was the early occupation of Manila. He had to accomplish that at all hazards and at all costs, and as soon as he could. And I submit he did a beautiful job of it.

That is why I want you now to stay with me back in December of 1941. I want you to realize the situation, the fast moving events that were occurring here. I want you to recall that on the 24th and the 25th General MacArthur and President Quezon decided that they wanted to save the beautiful city of Manila from the bombings it was receiving, and they declared it an open city and moved out of it.

They conveyed that message by the only means, the modern means that all armies used, by radio. We have evidence here in this case that - and I refer you now to the witness Don Bell, who was a radio broadcaster here - you recall he testified to monitoring a radio broadcast from Tokyo.

When? On the 26th of December 1941. This Accused and all of his staff officers who have testified have been reluctant to tell us anything about the communications they had between their headquarters and Tokyo. Yet we must assume, and reasonable men are allowed to assume, that they had that communication. That is borne out, gentlemen, by this: What do we find?

We find that their own witnesses, the little stateless boy who testified here for the Defense, and I am now referring to the Polish boy, that prior to December 27th those airplanes flew, when they bombed Manila, from a great height of 20,000 feet, because there was anti-aircraft fire in Manila at that time.

What do we find from their own witness and from the witnesses of the Prosecution, that on the 27th and the 28th

they flew so low over the City of Manila that they could be identified within their planes. They strafed the streets of the City of Manila on the 27th and the 28th. That indicates to me that General Homma's headquarters had to have knowledge that Manila was no longer a defended city. That to my mind disposes of the open city.

I want to touch briefly upon the civilian atrocities that occurred here. Now, the Defense has made great play on the fact that the civilian population made no report, made no report to General Homma or anyone in his headquarters of the atrocities that were occurring. Gentlemen of this Commission, you heard these witnesses testify that have been tortured almost beyond human endurance at Santiago. It was well known throughout all of Manila what was going on in Santiago, and these Filipinos knew full well if they reported any of those things that they would suffer the same treatment, the identical treatment, the same indignities and the same tortures at Santiago that those poor people were suffering that did become so unfortunate as to come into the clutches of the Kempei Tai, of Ohta's Kempei Tai, which was directly, we submit, under the command of this Accused.

And at San Beda, the same - that is the college; we have heard of the tortures there.

As to Judge Santos and the Chinese Consulate General case, there is one thing I want to touch on in particular there, and now I refer to this chart. We have had two charts here as to the chain of command of the Japanese Army, both of them prepared by members of General Homma's

command. One of them was introduced as one of the very first exhibits by the Prosecution.

This one was introduced by the Defense as the true chain of command. I want to call your attention, though, as general officers, to the one fact that both of them have on them a chief of staff and a deputy chief of staff; both of them as to the identity of those individuals are exactly the same.

I do not care, and I submit to this Commission, that whatever they say about the weirdness of the chain of command in the Japanese Army, they do both refer to this General Hayashi as the Deputy Chief of Staff, and at least from one of their own witnesses we have the testimony that when Wachi was gone, Hayashi was acting Chief of Staff in his absence.

I do not think, gentlemen, there is any doubt in your minds, and I know there is none in mine, but what he was in the absence of Wachi the acting Chief of Staff; but they have put up here a peculiar defense covering both the Judge Santos incident and the Chinese Consul incident, that during that time General Homma had relieved himself of command of the Military Administration.

It is a peculiar significant fact that just during that period of time he relieved himself of that command, yet we find when Judge Santos was still alive that Hayashi reports down to Balanga to General Homma and he tells him that they have Judge Santos in confinement under arrest.

Now, we can take another interpretation of that Japanese thinking. He is quoted here, and it is his testi-

mony here, that is, to take good care of him. I don't know what he meant by that unless the record speaks for itself as to what happened to Judge Santos.

He was taken good care of, there is no question about that, because he was summarily executed, and he was executed under the command of General Homma, and no one else.

The Chinese Consulate case is one of the most tragic things that ever happened in the consular service of any nation. It is to be assumed, and it can only be assumed, that the supreme commander in the Philippines knew all about it. However weird the Japanese witnesses' testimony here is as to the chain of command, it is impossible for a reasonable man to believe - and after all we are only asking you to be reasonable in this case - that this Accused did not know about the Chinese Consulate case. Had he have taken the stand here and testified, "Yes, I was directed by Tojo or the Imperial Japanese Headquarters to see that the Chinese Consulate was executed," I would have been inclined to have absolve him because he was acting on higher orders, and, perhaps, assuming a little bit, that is exactly what did happen, but, no, no, he absolves himself from all knowledge of it by very conveniently during that certain period of time taking away from himself the command of Military Administration.

Now, I submit to you, gentlemen, as reasonable men, that that is the height of absurdity. He was still the supreme commander-in-chief in the Philippine Islands, and it was his duty to know, and knowing he did know, and again he didn't care.

We have heard on the stand old Dr. Cullen. He testified to an atrocity that was after all just a pattern of the atrocities occurring all over these islands. I believe that the Defense in their cross examination asked him if he reported that.

Good God, Dr. Cullen would not be alive today if he would have reported the atrocities that occurred to him.

Now we come, and I want to discuss briefly, to the internment camps, Santo Tomas, John Hay and Bacolod. They say we haven't proved any tortures at those places. It is humanly inconceivable to me that there could be any greater torture to a man, woman or child than to be taken under force, placed within an enclosure, under guard, and told, "Feed yourself; we don't care if you starve;" and that is exactly what the Japanese Army under the command of General Homma at that time told these people.

Recall the testimony of those people up at Baguio that went into John Hay and absolutely with no regard, absolute disregard and absolutely no concern whether they had any food or not. The same thing at Santo Tomas, and the same thing at Bacolod.

If that isn't a pattern, if that does not disprove the statement of this Accused here that he had instructed all his people to treat the civilians, as well as the enemy army, with kindness and consideration; if that isn't torture beyond any torture that I can think of, the mental torture -- put yourself within those four walls with your wife and your children and be told, "I don't care how you get your food; I am not going to feed you; it is not my

responsibility. It is not my responsibility to furnish you with medicine; it is not my responsibility to furnish you with hospital beds or clothing."

The good people, thank God, of Manila saw to it that those people did not starve. Then they say there was a shortage of food here. Mr. Wolff of the Red Cross, his testimony has been questioned in the argument today. I submit, gentlemen of this Commission, that Mr. Wolff was here in Manila at that time. He was head of the American and Philippine Red Cross. He was here and he knew. He was in a position to know what the food situation was in Manila, and he testified that there was an 18 months supply to take care of the City of Manila for 18 months - and that is undisputed - and then to hear them say here that there was no food, my God!

As to military atrocities, I wish the map were here, but we can recall the map, the gun positions, and it has been quoted here today that under the Geneva Convention the commander of troops has a definite responsibility of the evacuation of prisoners of war from the area of warfare, and yet the undisputed testimony in this case is that Hospitals Nos. 1 and 2 at Little Baguio were left there until well after the surrender on Corregidor.

They were surrounded, if you will recall that map, there were guns before them, behind, to their right and to their left.

Of course, the testimony of the military commander, of the artillery officer, is that he had guns in position right in front of that hospital for two days, but he did

not fire them. He had made no effort to move that hospital. General Homma knew where his guns were. He knew or he should have known where that hospital was, and it was his duty to evacuate those prisoners of war from there, and he did not -- I submit he knew -- and again he did not care.

As to the Death Marches - and I must refer to them as the Death Marches, because that is all in the world they were - never will there be a blot in human history to compare in my estimation with the Death March. Someone is to blame for these marches, and that someone is the Accused in this court today.

He had knowledge of the condition of his own troops, that they had malaria. He had knowledge as to the condition of the captured troops, and I refer to them as "captured" and "captives," and not prisoners of war, because that is exactly the way they were treated, as far as they were concerned.

He had knowledge because his headquarters during all of that time was within 500 yards of that Death March, as these 70,000 Americans and Filipinos dragged themselves day after day past his headquarters, within sight of his headquarters, within sound of it. If he would have cared to listen he could have heard the screams of the wounded and the dying.

What do we have? We have the testimony here of the dead and of the dying. We have heard testimony that they didn't have food. We have something else here that they did not have water. Surely, there is nothing controverted

about the fact that they did not have water sufficiently on the Death March. And yet water is as free as the air you breathe. If there had been one drop of human kindness in those men that were marching those prisoners of war, unless they had but one idea in mind, and that was to let them die, they would have given them water.

Water alone would have saved and materially cut down on the deaths at O'Donnell. But they did not even get water. Yet we haven't heard any of the Defense say anything about a shortage of water for the Japanese. They had plenty of water, but these poor devils making that march had none.

Now, I submit that over on Mindanao we had another Death March. The same pattern existed. We can only assume, and reasonably and rightfully believe that it was the known policy of the Japanese Army then in the Philippines, commanded by General Homma, that that is the way those things would be conducted, because that is the way they were conducted.

We have their staff officers who have gotten on the stand and testified, I think the most we got any of them to admit was, as they traveled along that road, I think they admitted five deaths. They finally made a report after it was all over, and I think they buried 18 out of 70,000 men that made that march.

Absurd, if there ever was an absurdity. I submit again that General Homma knew of the conditions on the Death March, and again he did not care. He took no measures whatsoever to see what was being done. He took

no measures whatever to correct those conditions. He let that march go on day after day. As to the transportation, I submit, that the only evidence we have here that is worth while, and while it is Prosecution evidence, it is the statement of no less a person than the commanding officer that surrendered on Bataan, in which he tried to state and did state to the colonel that Homma sent down to get his surrender from him, that he had saved sufficient transportation and gasoline to transport, to evacuate the men, as prisoners of war.

That was offer was denied him. He was told that the Japanese would take care of that, and we know how beautifully they did. We know what they did with Hospitals 1 and 2.

Those things, gentlemen of this Commission, cannot be denied; they cannot be overlooked. Someone has to be responsible. That someone is this Accused here.

Yes, there is one other thing that I would like to mention. They have touched upon here the massacre of the approximately 400 Filipino officers and noncommissioned officers. They have cast a doubt on the veracity of those two veterans and survivors of that horrible massacre, that it never occurred; that the bodies had never been recovered, and that we made no effort to recover the bodies. Yet we had testimony here by the Graves Registration people as to how difficult it is to find any bodies along the Death March itself. I doubt if we will ever know within several hundred the number that died on the Death March.

I do not believe there is any question of doubt in

the minds of this Commission that those atrocities occurred, just as these two men testified they occurred. The remarkable thing that those men never lived to tell the tale; that, according to the map that was introduced here, was committed by men and officers of the 65th Brigade of the Japanese Army, commanded just as it was testified to here, by the officer who was then in command of it.

Now, as to Camp O'Donnell, when they found out suddenly that instead of 40,000 prisoners they had 70,000 to take care of, what did they do?

Nothing! Nothing was done.

They requisitioned medicine, they requisitioned supplies, so they say, but they crowded 70,000 people into O'Donnell, and they said then they were going to fix up Cabanatuan, and how long did it take them?

The prisoners went in in the middle of April into O'Donnell, and it was about the 23rd of June, as I recall this testimony, before they ever got Cabanatuan open for the prisoners of war. That is quite a considerable length of time that it took them to ever get another place for those prisoners of war. But, I submit to this Commission, it wasn't necessary particularly to get another place because of the 50,000 Filipinos at O'Donnell by that time 27,169 had died.

So they had more space, and during that same period of time 1515 American recorded deaths at Camp O'Donnell took place.

Again we have the evidence here of the Defense's own witnesses that this Accused was advised of at least

16,000 deaths at O'Donnell, and what did he do?

Not a thing!

What would a reasonable man, regardless of his race or religion, if he was in command and had the responsibility, what would he do? Would he just sit back and say, "That is too bad"?

Well, that is all he did.

Again, he knew he had done nothing, because again he didn't care. He had the responsibility. It was his, and his alone, and he did nothing in the world about it.

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When we get to Cabanatuan we find again, during the short period of this Accused's command, there were 1,355 Americans reported dead. I want to digress just a moment here to comment on the testimony of a witness the Defense put on, the captain of the Medical Corps who testified as to the American treatment of prisoners of war,—75,000 prisoners out at Luzon prisoner of war camp -- and during the period of six months, he testified that 1,800 only had died. He testified that the increase, I believe, in weight, was between 20 and 40 pounds. And then, too, we have the executions at Cabanatuan. Surely, surely this Accused is not to be heard here now to say that the members of his command were executing prisoners of war and it did not come to his attention or to his knowledge. It could not have helped but come to his attention or his knowledge. Therefore, I want to call the Commission's to the fact that at these places, as well as every place where prisoners of war were kept, be it at O'Donnell or Cabanatuan, in the working details, they were told -- in fact, there were bulletins put up for everyone who escaped ten would be killed. That is borne out by the statement that appeared on the front of the Manila Tribune at about January 9, where hostages would be held -- civilians -- with the implied threat that they would be killed, and that was signed by the Commander-in-Chief of the Japanese Forces, and yet this Accused said he knew nothing about it. Now, his name was used repeatedly on things like that. Yes; even the surrender leaflet that was dropped on Bataan. He denied all knowledge of that. He knew nothing about it being dropped; yet he was the com-

mander of the troops, and it was a direct invitation to General Wainwright to surrender. Then we find not only at Cabanatuan, but at Camp Keithley we find the testimony of two officers and one noncommissioned officer was killed for the escape of I think four prisoners of war, it makes no difference the number. These men were killed because one was in charge of the American prisoners of war. The others all had staff duties in regard to the prisoners of war. They were killed because three or four prisoners of war escaped, not because they attempted to escape. We find testimony of that kind all over concerning work details. There was one who escaped during some attack by guerrillas, and they took the next ten numbers to them and killed them. That is definite testimony in this case. You will recall that as you recall this testimony of the general mistreatment of prisoners of war.

The 92nd Garage area -- I don't recall the number of days they were kept there, but they had to feed themselves, they had to get shelter for themselves, and they had inadequate water and no sanitary facilities at all. That was generally true, Corregidor to Manila.

Then we have one of the Accused's Filipino witnesses get on the stand here and testify that the Filipino soldiers brought over from Corregidor were landed here in Manila. They were brought over two days later, as I remember, the 27th of May. They were brought over, but two days before that 10,000 Americans were brought over and landed up here at Paranaque, and then we have the

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celebrated Dewey Boulevard victory march, if you want to call it that. I think that is what it was referred to by General Homma's command, and to say now that wasn't to humiliate those prisoners of war is another absurdity.

To hear him say or to hear him say he knew nothing of that is beyond the realm of possibility. Again he knew, and again he didn't care.

The work details: Bataan, Capas, Bataan, Mountain Province, Calumpit and others. We have evidence here where ten were killed for one escape. Calumpit five were killed for one escape. Also we find the same pattern, the same atrocities being committed by members of the Accused's command.

Now, we come to the surrender of Corregidor, the white flag, of which there has been much said and much in testimony. I will not rehash that testimony because I believe it is still fresh in the minds of this Commission. I do want to say this, that Defense read paragraph 223 of 27-10, which is the rule of land warfare. Had they gone ahead and read 224, the following one - which they refrained from referring to - and I quote Section 224, which reads as follows:

"Fire during display of white flag. The enemy is not required to cease firing when a white flag is raised. To indicate that the hoisting is authorized by its commander, the appearance of the flag should be accompanied or followed promptly by a complete cessation of fire from that side. The commander authorizing the hoisting of the flag should also promptly send a parlementaire."

From the moment that the white flag went up on Corregidor at the command of General Wainwright never again was an American gun fired on Corregidor and immediately, the testimony is undisputed, he sent a marine captain as a parlementaire to make arrangements for the surrender meeting. He complied in every sense of the word with the rulings of land warfare. And then for a period of time, a short period of time, General Homma's command did cease firing on Corregidor, and I comment again there on the matter of communication, and I submit to you as reasonable men that you can assume because by that time the Japanese forces, both military and civilian, had control of all the radio stations in Manila, I don't think there can be any question in the minds of anyone, not even the Accused, but what General Beebe made those broadcasts as it is testified here that he make offering the surrender, and there is no question in my mind personally - again I am not testifying - but what General Homma was advised of that broadcast. Every indication of what transpired could lead to but that conclusion only, that he knew of it and he knew General Wainwright was coming over to surrender.

General Wainwright came over to surrender. He was accompanied by and in the custody of the colonel of the Imperial Japanese Army who had been sent over in the event that General Wainwright did surrender to bring him to Cabcaben for a conference, to talk about surrender. He was brought over and then the conference took place. I am not going to discuss that conference other than to

say this: That the testimony of General Wainwright is that he brought a paper with him on which the terms were set forth, and that is not denied by this Accused, but he refused to even consider it or look at it - he wasn't concerned; again he didn't care. He wanted one thing, and one thing only; and he left that meeting. I think there is no question in anyone's mind that General Wainwright offered at that time to surrender the four fortresses in Manila Bay. That surrender was refused. He was told if that was all he wanted to surrender he could go back to the commanding general of the Japanese on Corregidor. He was told that at that conference, and he was taken back, gentlemen, by the same colonel of the Japanese Imperial Forces that had brought him to that meeting; and yet while he was in the control and custody of that man, at that very time and at that very moment, according to the words of this Accused himself, he ordered the fire to be resumed on Corregidor, and it was resumed. They would have us believe there was a 15 minute preparation of fire for the landing of divisions or a lot more troops. The testimony here of the people who were over on Corregidor suffering from that fire is not any 15 minutes, but much over that period of time, and it started at a much sooner period than the testimony of General Homma's artillery officer, and he himself has testified here.

Then we have the testimony here that is undisputed that not only on the night of the 6th of May, with the white flag still up,-- not only on the night of the 6th of

May, but on the morning of the 7th of May fire still was coming from Bataan on Corregidor. That testimony is attempted to be explained by the artillery general's statement that when he finished his 15 minute preparation fire the night before he had left some charges in his tubes so he shot them out in the bay. Well, if he shot them out in the bay, we must assume from the testimony of the witnesses here that some of them exploded on Corregidor, and there were deaths on the morning of May 7.

In my mind, gentlemen, the surrender or the lack or failure to accept the surrender of Corregidor again speaks louder than anything else in this court of the intention of this Accused all through his command and his occupation. I think that every rule of human decency and all the laws of war, - all the laws of war were violated by this Accused in that transaction.

I submit finally that this Accused here is charged with responsibility for the actions of his troops, that he was responsible, that he was the commander-in-chief in the Philippine Islands during all of the time he was in command here, that he knew or he should have known, that he did know by the reports that were being submitted to him of the conditions existing, not alone on the Death March, but of the internment camps, and in the civilian and prisoner of war camps. He knew he did nothing about it because he didn't care.

He is not the fine humanitarian soul they would have you believe. He was the victorious commander of a force who landed and subjugated an island, and it was sub-

jugated as quickly and as soon as they could.

And I submit General Homma, as he has said, he is morally responsible. I submit he is responsible in every sense of the word. I submit to you that all the rules of land warfare, that all the rules of war, that all the codes of international law, the treaties that Japan has signed or agreed to abide by, were violated by this Accused. Hard as it is for anyone to pass judgment on his fellow man, there is but one plain, clear duty for the members of this Commission, and that is to find this Accused guilty as charged, and in doing that the Prosecution in this case expects and requests the death penalty for this Accused.

Thank you.

GENERAL DONOVAN: The Commission will adjourn and meet again at 1500 hours on Monday, 11 February 1946, at which time the finding of this case will be announced.

(Whereupon, at 1215 hours an adjournment was taken until 1500 hours, 11 February 1946.)

(184J)

BEFORE THE

MILITARY COMMISSION

convened by the

COMMANDING GENERAL

United States Army Forces,

Western Pacific

UNITED STATES OF AMERICA

- vs -

MASAHARU HOMMA

PUBLIC TRIAL

VOLUME XXX

PAGES 3364 TO 3365

MANILA, P. I.

DATE 11 February 1946

COPY No. 9

AUTHENTICATION

THIS CERTIFIES that this volume is a part of the official Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946.

/s/ Leo Donovan
/t/ LEO DONOVAN
Major General, GSC, USA
President of Commission

BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL,
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA	)	
	)	
-vs-	)	PUBLIC TRIAL
	)	
MASAHARU HOMMA	)	
	)	

High Commissioner's Residence,
Manila, P. I.,
11 February 1946

Met, pursuant to adjournment, at 1500 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL LEO DONOVAN, GSC, Presiding Officer and Law Member
MAJOR GENERAL BASILIO J. VALDES, Philippine Army
BRIGADIER GENERAL ROBERT G. GARD, USA
BRIGADIER GENERAL ARTHUR G. TRUDEAU, USA
BRIGADIER GENERAL WARREN H. McNAUGHT, USA

APPEARANCES:

(Same as hereinbefore noted.)

INTERPRETER FOR THE COMMISSION:

MAJOR HARRY D. PRATT, USMC, Chief Interpreter

OFFICIAL REPORTERS FOR THE COMMISSION:

MACK M. RACKLIN
S. CORNELIA PEVETO

P R O C E E D I N G S

GENERAL DONOVAN: The Commission is in session.

COLONEL MEEK: Sir, all members of the Commission are present. The Accused is present with Defense counsel. The Prosecution is present and we are ready to proceed.

GENERAL DONOVAN: The Charges against the Accused are as follows:

Charge: That Masaharu Homma, between 8 December 1941 and 15 August 1942, then Lieutenant General of the Japanese Imperial Army and commander-in-chief in the Philippines of the armed forces of Japan at war with the United States of America and its allies did unlawfully disregard and fail to discharge his duties as such commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against the People of the United States of America, its allies and dependencies, particularly the Philippines, and he, Masaharu Homma, thereby violated the laws of war.

Additional Charge: That Masaharu Homma, then Lieutenant General of the Japanese Imperial Army and Commander-in-Chief in the Philippines of the Armed Forces of Japan at war with the United States of America and its allies did on 6 May 1942 unlawfully refuse to grant quarter to the armed forces of the United States of America and its allies in Manila Bay, Philippines, and did thereby violate the laws of war.

The Accused, his senior counsel and personal interpreter will take position before the Commission.

AUTHENTICATION OF RECORD

The foregoing 3365 pages, contained in Volumes I to XXX inclusive (together with Prosecution Exhibits 1 to 425 inclusive, Commission Exhibit 1, and Defense Exhibits "A" to "Y" inclusive, all under separate covers), are hereby certified as the Record of the Proceedings of the Military Commission appointed by paragraph 31, Special Orders 176, Headquarters United States Army Forces, Western Pacific, dated 15 December 1945, as amended by paragraph 39, Special Orders 186, Headquarters United States Army Forces, Western Pacific, dated 28 December 1945, in the trial of the case of United States of America against Masaharu Homma.

Dated 13 February 1946

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Major General, GSC, USA
President of Commission

THIS ACKNOWLEDGES that the above-described Record was submitted to Defense Counsel prior to being certified by the President of the Commission.

/s/ John H. Skeen, Jr.
/t/ JOHN H. SKEEN, JR.
Major, Inf.
Chief, Defense Counsel

(Whereupon the Accused, Major Skeen, and the personal interpreter of the Accused, took position before the Commission.)

GENERAL DONOVAN: Findings: Upon secret written ballot, two-thirds or more of the members concurring, the Commission finds you:

Of the Charge: Guilty, except the words and figures "8 December 1941 and 15 August 1942," substituting therefor the words and figures "10 December 1941 and 5 August 1942." Of the excepted words and figures: Not guilty; of the substituted words: Guilty.

Of the Additional Charge: Not Guilty.

Has the Accused or his counsel anything further to offer before sentence is announced? Do you wish to make a statement?

THE ACCUSED: A short statement I wish to make.

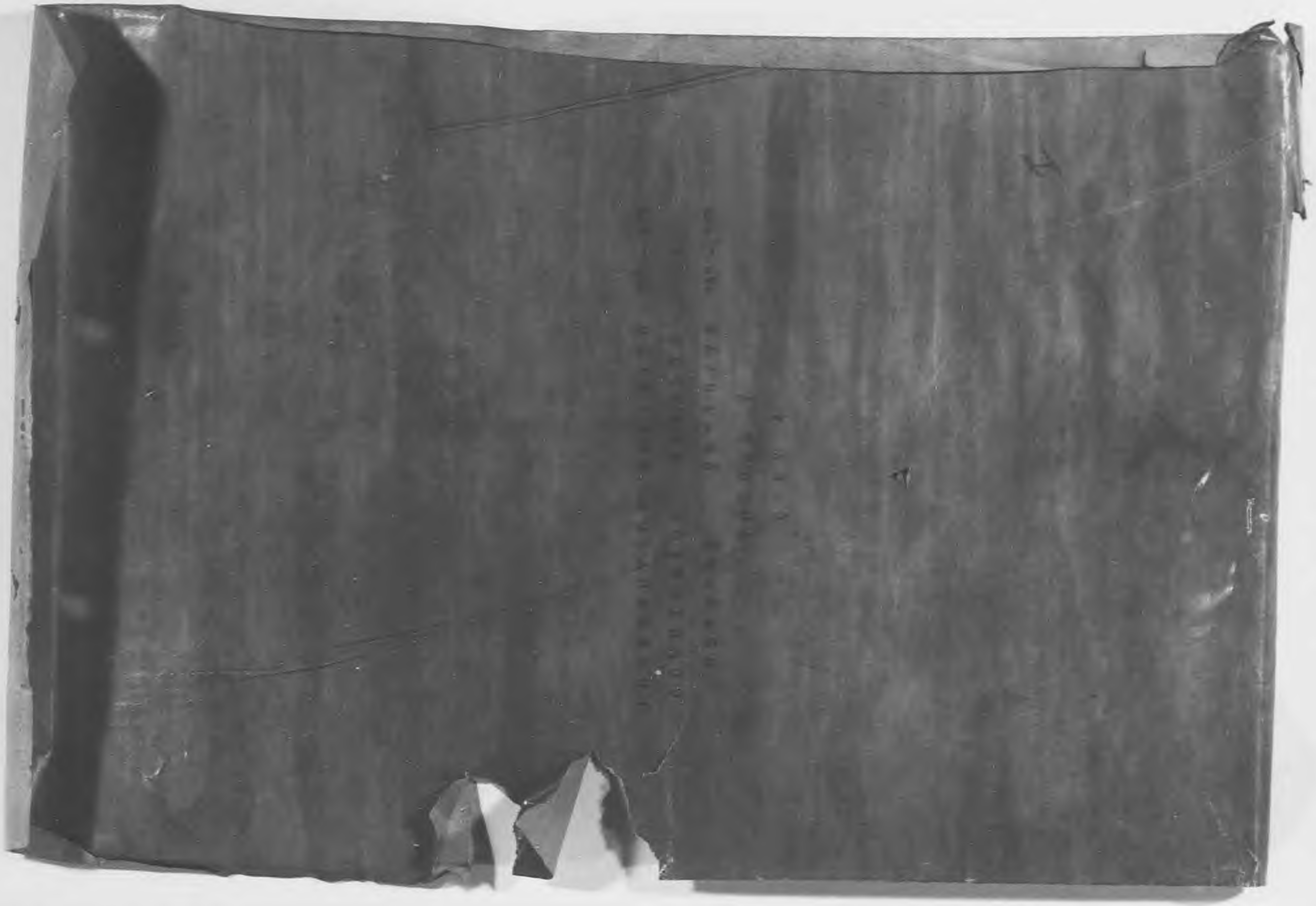
I wish to thank the gentlemen on the Commission for the courteous ways which I have been treated all through and during my trial. I thank you very much.

GENERAL DONOVAN: Sentence: Upon secret written ballot, two-thirds or more of the members concurring, the Commission sentences you to be shot to death with musketry.

The Accused will be escorted from the courtroom.

The Commission adjourns, sine die.

(Whereupon, at 1505 hours, 11 February 1946, the trial was concluded.)



[redacted]

[illegible]

For the 6th Circuit [illegible]

Judge Advocate General's Department -- Air Department

United States of America

In the matter of the formal records of American prisoners of War against whom charges have been brought in Nuremberg, 4 July 1945.	Interrogation of Professor [illegible], Robert F. Bale, Subject: [illegible]

Taken at: Nuremberg Hotel, Grand Canyon Lux. Grand Rapids, Michigan.

Date: 8 September 1945.

In the Presence Of: Lieut Colonel, Special Agent, Security Intelligence Corps, Fourth Service Command.

Reporter: [illegible], Stenotypist, Grand Rapid Business School, Grand Rapids, Michigan.

Questioned by: Capt [illegible], Special Agent, Security Intelligence Corps, Fourth Service Command.

Q. State your name, rank, serial number and present duty address.

A. Robert F. Bale, M/Sgt., 20556281, 1302 Unit Detachment, Army Air [illegible].

Q. State your background prior to entering the service.

A. I graduated from [illegible] High School, graduated at the State Normal [illegible] School in Grand Rapids, Michigan, in 1940, majoring in the [illegible] of Adult Ages.

Q. What was [illegible] attended by the Adult Student as a [illegible] Teacher at that?

A. Yes.

Q. State briefly you were told and given the [illegible] duties.

A. I was instructed that [illegible] Education, history and [illegible] in the [illegible] Ages that was made. We were given a course in [illegible] and [illegible] in Adult Ages, consisting [illegible] Grand Rapids [illegible] and [illegible] to attend the [illegible] I was told to [illegible] [illegible] which [illegible] [illegible] and [illegible] [illegible] and [illegible] [illegible] [illegible]

[illegible]

For the War Crimes Office

Judge Advocate General's Department -- War Department

United States of America

* *

In the matter of the Formal murde of American Prisoners of War aboard Japanese merchantman from Shanghai Docks to Kilgas Kanan, 6 July 1945.

* *

Testimony of Testimony of Robert F. Dunn, Colonel, AUS.

Taken at: Headquarter Hotel, Miami Beach Harbor Road, Miami Beach, Florida.

Dated: 8 September 1945.

By The Prosecution (By): Jack Gallagher, Special Agent, Counter Intelligence Corps, Branch, Service Command.

Reporter: Elizabeth B. Kuhn, Stenographer, Miami Beach Reporting Bureau, Miami Beach, Florida.

Identified by: Jack Gallagher, Special Agent, Counter Intelligence Corps, Fourth Service Command.

Q. State your name, rank, serial number and permanent home address.

A. Robert F. Dunn, Col/AUS., 0-20[illegible], 1307 Duke Boulevard, Kansas City, Mo.

Q. State your background prior to entering the service.

A. I graduated engineering from Duke School, graduated at the Army Engineer School in Fort Belvoir, Virginia, in 1919, following on the work in Engineer of that grade.

Q. Were you formally attached to the United States as a Financial Inspector of Mint?

A. Yes.

Q. State where you were sent and give the approximate dates.

A. I was stationed May 27, 1942, at Shanghai, China, and left there on the Gripsholm leaving for the East. We first spent a month in Goa Province and then proceeded to Mormugao Harbor, remaining for three days and then left for Japan and stayed at Yokohama for one month. I then went to Tokyo Headquarters for one week, then went back and was at Yokohama for another month and then left for a visit at Hiroshima, remaining there for a week and then returned to Yokohama for one month before starting for the west for Internment Camp. We arrived at Shanghai. Internment Camp is Shanghai from May 27, 1942 and then left for Japan (Yokohama) June 6, 1945, remaining until September 1945 when I left for Manila.

Q. Will you describe the circumstances surrounding that confinement from September 1944 to [illegible] 1945.

A. We arrived and began the transfer to the Japanese Government on September 1944 at Kilgas Kanan. We were given our belongings and placed on the Japanese ship [illegible]. There were about 400 Americans and about 400 Japanese on board. The Americans were placed in the hold and the Japanese were placed on the main deck. There were [illegible] Americans in the hold and [illegible] Japanese on the main deck. We were in the hold of the ship for [illegible] days. We were then taken from the hold of the ship and placed in [illegible] camp at Kilgas Kanan. We remained there for [illegible] days and then were transferred to [illegible] camp at Kilgas Kanan, where we remained

[illegible]

4. [illegible] and had permits to have each given drank a capful of flavoring with water, however, given any water and be attempted to get it during the first session. Only four of the men in the school had their canteens and I managed to get three or four mouthfuls of water during the day.

5. [illegible] in charge of you to take relief

6. [illegible] I don't know his first name. He had been in charge of Camp [illegible].

7. There was only what after you get to Bilgai began and describe conditions [illegible].

8. We were put in a protected school house and stayed there for three days. The [illegible] furnished food. At noon of this each day breakfast, lunch and dinner; and a glass of water per day. We slept on the floors in the [illegible] class rooms, we had no blankets. Lt. Hart was still in charge of us. After three days rations, we travelled by boat to Cagayan. The boat [illegible] night again. They picked us into the hold of the boat and as soon as started had a number of the men fainted from the poor ventilation. We had opportunity to select all air we have here. Only one can at a time, out of the [illegible] we succeeded in getting enough air. Hart was again in charge of us on this trip.

/s/ [illegible]
/s/ [illegible], O-[illegible], CE

State of Indiana)
) SS
County of [illegible])

I, [illegible], a Notary, do hereby [illegible] before [illegible] whose name I have read the foregoing [illegible] of my knowledge and all statements contained therein are true to the best of my knowledge and belief.

/s/ [illegible]
[illegible], O-[illegible], CE

Subscribed and sworn to before me this [illegible] day of September 1945.

My commission [illegible] February 4, 1947

/s/ [illegible]

[illegible]

I, [illegible], Medical Agent, Guerrilla Affairs Branch, Philippine Section, Services, Army of the United States, [illegible], personally [illegible] subscribed to a [illegible] oath, and testified according to [illegible] and that the foregoing is an accurate transcription of the statement given by him to the [illegible] [illegible] [illegible].

Fort [illegible], Florida

[illegible], 18 September 1945

/s/ [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Q And you were in the Philippines at the time of the Bataan death march?

A Yes.

Q Were you a prisoner of the Japanese?

A Yes.

Q Were you there when the Japanese started the march?

A I was.

Q Will you please tell us where you were when the march started?

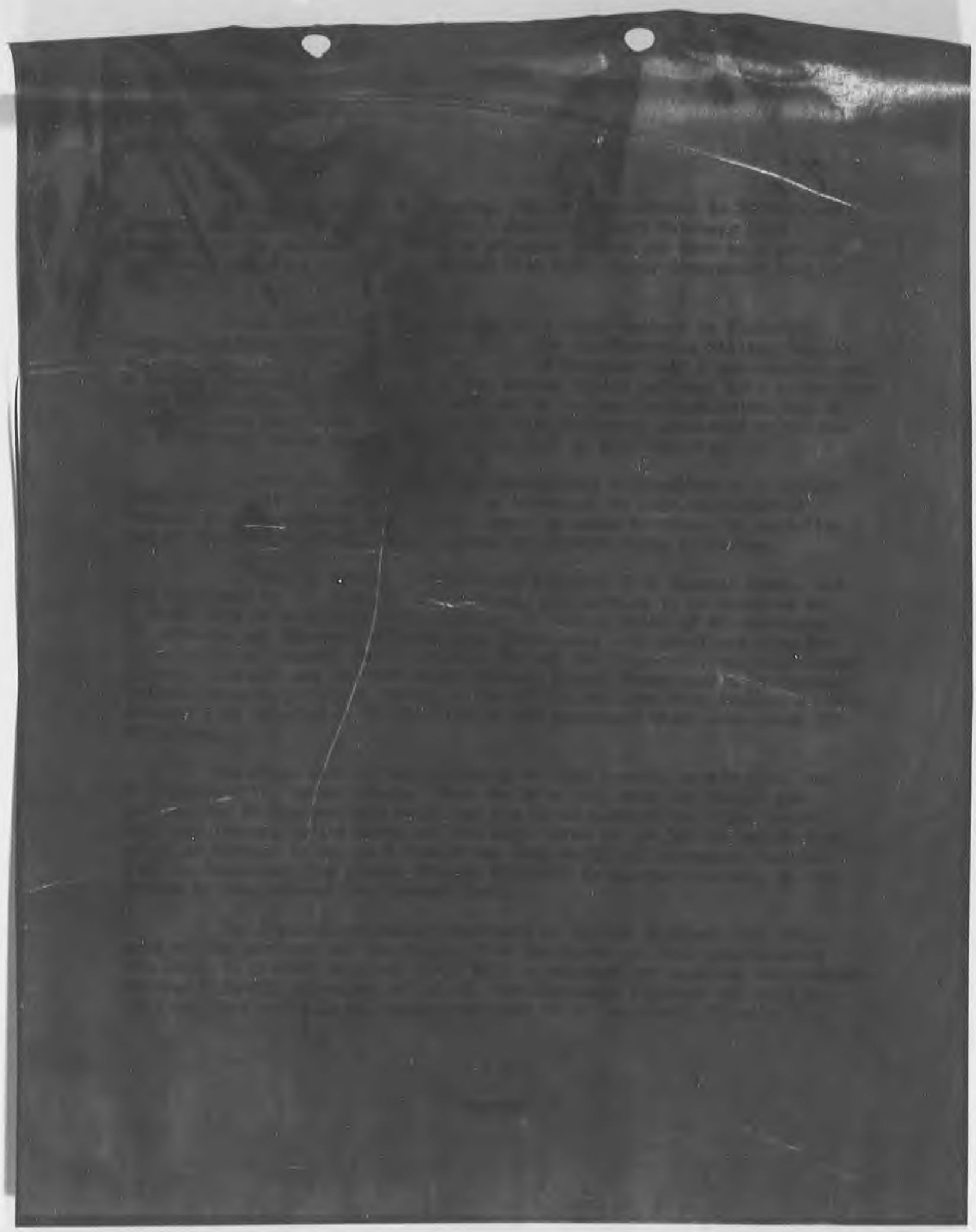
A I was in Bataan, on the tip of Bataan, and we had to go up to Balanga, which was the capital. We marched a couple of days and then we were put in a bull pen at Balanga and we stayed there for a couple of days, and then we started on the march from Balanga to San Fernando, Pampanga, and then we got on the train and went to Capas, Tarlac, and then we marched from Capas to Camp O'Donnell.

Q Do you know of any instances of the killing of Negro prisoners of war by the Japanese?

A Yes, two Americans were killed during the night-time march from Pantabangan to Cabanatuan on July 3, 1942.

Q Where were you when these incidents occurred?

A I was at Cabanatuan and I was sitting on the ground with my back against a bamboo fence. Sergeant Williams was on my left, Corporal Williams was on my right, and Private Hall, Negro, and I were standing in the line to draw rice.



specific military order that no one should try to escape. Despite this, a few days later four enlisted men took off. Bill Burke, Ball, Smith and Johnson. As a result the Japs investigated the escape and took the three men in direct command over the men, Colonel Yoshy, officer in charge of troops, Captain Price, in charge of enlisted men, and First Sergeant Chandler. I saw the Japs march them off to the parade ground to a spot about 500 yards from my barracks where they had seen posts which the Japs were using target practice. They tied the men to these posts and used them for bayonet practice. From my barracks I could not actually see this because of the crowd of Japs milling around them yelling, but Filipinos told us what went on. We could hear the Japs yelling, though. This occurred on 3 July 1942 at about six or seven o'clock in the evening.

The next day, 4 July, we started on the trip to Baleybaley. We were formed on the parade ground, wired together in columns with telephone wire to prevent escapes. The Filipinos were not tied up. We then began the march to Iligan on the coast, about fifty kilometers away. It was a terrifically hot day and one thing that made it worse was that the Japs had stripped us of all good equipment including shoes, sometimes giving us old worn ones back.

In the first two or three kilometers a civilian named Whitmore collapsed and was untied and shot by the Japs. He was a retired army sergeant who had run a small store for some time. General Parker urged him to surrender as a soldier which was why he was with us. He was not in good health as he had received injuries at the hands of some Nips before the surrender. As it turned out it would have been better if he had gone with the civilians because they were taken to Iligan by truck. About noon Major Jay Ibarle collapsed from heat prostration and was executed at the side of the road. I saw both of these executions, and also a good many Filipinos who were also killed on the march, I think about ten.

We arrived at Iligan about seven o'clock at night. A Lieutenant Pratt went out of his head from lack of water and heat and died. He was buried at Iligan. All the Americans were quartered in a room about twenty by twenty for three or four days at Iligan. Lieutenant Pratt was the only one who died, but the first night a good many were out of their heads because we had had no water on the march and got some when we arrived at Iligan. Also, it was pouring rain and the water was pouring off the roofs, and we could not quite reach it from inside. Trying to reach the water cut not being able to was too much for many of the men, on top of everything else.

After three or four days we were loaded in the hold of a small freighter and had to sit with our knees under our chins during the eight-hour trip to Zagaran. From here we were taken by truck to Baleybaley.

I was in this camp, which was not too bad, for about six weeks. Then the Japs began checking up on the men, records and so-on-etc. They knew I had been a civilian and all about me (apparently through their

[illegible] First Colonel and that I was surrendered as a General Lieutenant. As the Air Commander called me in and said he was transferring me to the civilian camp, I asked him this was against [illegible] and General Sharp tried to prevent it but it did not. Before I left General Percy entered an appeal but although [illegible] for Washington, but the surrender had also before any answer was received. So I was sent to the civilian camp at Fuh [illegible] miles [illegible] from the military camp. I was there about three weeks when we were all transferred [illegible] to Santo Tomas internment camp. In January 1944 we were all transferred to Bilibid Prison in Manila. The civilian camp at Santo Tomas was not [illegible] the first one [illegible] Bilibid Prison was not [illegible] at first. Filipinos could bring in food and there was food for sale. But the last six or seven months it got very bad and there was apparently a deliberate starvation policy. Many Filipinos brought food to the gates but were [illegible] and were unable to bring it in.

I do not know the names of any of the Japanese officers or of our guards, except that it was General Uli [illegible] of Kyushu. He was executed [illegible] Yokohama. He was treated all right by us. It was after the US military Police took over [illegible] that our treatment became worse.

Maj. I left the military prisoner of war camp at Bilibid Prison General [illegible] Wainwright was also [illegible] of Japan [illegible] with [illegible].

[illegible]

[illegible]

[illegible]

A Certified True Copy

[illegible]

U. S. Army War Crimes Branch
Prosecution
Control [illegible]
Received [illegible]

[redacted]

[illegible]

[redacted]

For the War Crimes Office

Judge Advocate General's Department - War Department

United States of America

In the matter of the examination of Col. H. H. Vesey, Capt. Albert Ames and 1st/Lt. John Claudius, Camp Gruber, 8 July 1945.	Interrogation of Testimony of Richard D. Mack, [redacted]

Ca ben ch: Lancaster Hotel, Miami Beach Service Base, Miami Beach, Florida.

Date: 6 September 1945.

In the presence of: Jack Pickens, Special Agent, Security Intelligence Corps, Fourth Service Command.

Reporter: Elizabeth B. Roth, Stenotypist, Miami Beach Service Base, Miami Beach, Florida.

Q. State your name, rank, serial number and permanent home address.

A. Richard D. Mack, [redacted], 1st/Lt, Infantry, Home Bank, Ind.

Q. State your background prior to entering the service.

A. I completed requirements for high school graduation at the state laboratory school in Terre Haute, Indiana, in 1937; entering in the army in November of that year.

Q. Have you honorably returned to the United States as a liberated prisoner of War?

A. Yes.

Q. State where you were held and give the approximate dates.

A. I was captured Jan 27, 1942, at Tamarkan Bridge and was held in an enlisted Men's Camp for one week. We then spent a month in Camp Chiltley and then shipped to Singapore, remaining for three days; and then left for C aggregation change to Singapore for six days. I then went to Camp Changiang, remaining until September 1943 when we put in a call at Changiang after a standby Heat Wave, starting in the cold for Fairchester Japs. We then went to Nishida, remaining there to October 1943 to June 45. While and then to Kobenhamu (Yokohama Camp), remaining until January 1945 ——— I was liberated.

Q. Are you familiar with the treatment or killings of any American prisoners of War by the Japanese?

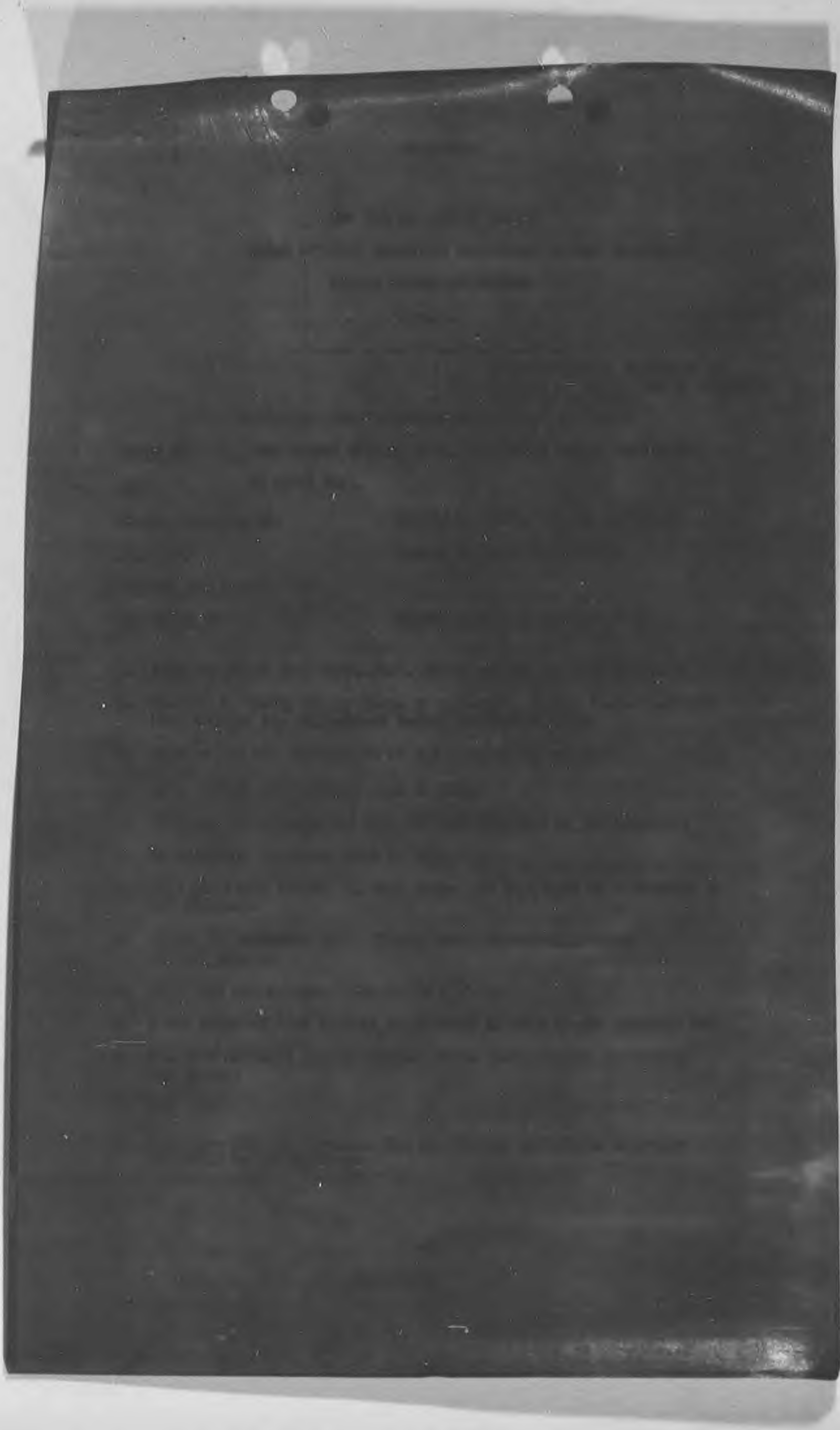
A. Yes, on Feb 14, 1942, while I was at Camp Chiltley, Col. F.C. Tenny, Capt. Albert Ames and 1st/Lt. John Claudius were executed.

Q. State what you know about this matter.

A. On June 20, 1942, four men escaped from Camp Chiltley. They were: Pfc. Robert Hall, and Major Hall, Private Ingram, and Corporal [redacted] William F. Dunleavy and Pvt Gordon Smith, now left the Smith. Two days

1/7

[redacted]



[redacted]

A. We were assigned to fifteen mixed companies. As the recruits arrived [illegible] and 15 Filipinos were either dead or hospitalized. We were told at fifteen a.m. five days and in each attempt agree that we had to attack at midnight. There was practically no food. We were given two for 24 hours after our arrival. One American died three hours [illegible] by the bombings of the night.

We were then taken by boat to Cagayan. The 75% of us were suffering from [illegible] who told of the hard time a very small space. We were provided which we could not eat either and we fried. the ship took 36 hours. We were then taken by truck from Cagayan to Malaybalay.

Q. Do you know the names of the Americans that were killed on the march?

A. Yes. There was a major by [illegible] a division named [illegible] and [illegible]. Robert Smith was the one who died from heart failure. In addition, there was an enlisted man from the 31st Quartermaster Squadron whose name, for the moment, I cannot recall.

Q. Did you see those men being killed on the march?

A. Yes; I also helped bury [illegible] there.

Q. Do have had a record that Lieutenant Smith had been buried alive.

A. That is not correct. As was said, and I helped bury him.

Q. Is it true of the execution of two Filipinos by Japanese for escaping [illegible]?

A. Yes. I had to watch the executions. I don't know their names, however.

Q. Were there any other executions or [illegible] that you know of?

A. No.

Q. Did you see the condition on the prisoners and food at Malaybalay?

A. The prisoners were [illegible] guard. I had to [illegible] a good number of them, but I did not [illegible]. We were able to get small [illegible] of the weather nearby at the other [illegible], but we had a [illegible] and so on of rice. Vegetables were not [illegible]. There was some camote [illegible] that look more like [illegible] to normal camote. Camotes were used [illegible], but we have [illegible] to supplement the Japanese ration. [illegible] was the work that I was in.

Q. How [illegible] was in Malaybalay?

A. Nine.

Q. Did it rain [illegible] from there, either [illegible] that camote, fish and [illegible] there were [illegible]?

A. That is right. I think the date was the 15th of [illegible], 1942, but I am not sure.

Q. Did it rain only after that, that is other prisoners were moved to [illegible]?

A. That is right. The guerrilla were very active around there and during the

a Japanese convoy vessel and it got shot up, so they decided to move on duty.

Q. Were the navy personnel in charge of roleplaying that had been in charge at Pendleton?

A. Oh, they were the ones who had accepted command control; accordingly they had been there continuously.

Q. How did they take you from roleplaying to Hawaii?

A. They flew us to Hawaii by transport plane landed us [illegible] a boat and took that around the main islands to Hawaii. Ships towed us were boarded again at Alameda by the transport ordinary.

Q. Then did you receive leave?

A. About the 4th of October, I believe.

Q. And you remained at Oahu until June, 1944?

A. Until about of 20th, 30th, etc.

Q. Do you know the name of the regimental commander at Oahu?

A. Major Smith.

Q. And he [illegible] all the time you were there?

A. He was [illegible] until April, I believe, of 1944. He was then sent north and another officer came down. I don't remember his name. He was after [illegible] in charge of Guadalcanal. The officer who relieved him was in command of Guadalcanal during the [illegible]. [illegible] and didn't come much that went on.

Q. What kind of quarters were the men in at Oahu?

A. Barracks.

Q. Will you describe them briefly?

A. There was one section that had double decks made for the soldiers [illegible]. They were crowded in pretty against each other, as that there were approximately 500 men in a space about as long as this room, by, I [illegible] contents in a space 40 x 60 Feet. The decks were full of [illegible], mats and everything you can imagine, in the way of sanitary conditions. They had [illegible] water was obtained by digging wells, we had [illegible] by digging [illegible] down into the earth with [illegible] sandy, the other barracks were slightly better than the [illegible] described, but there [illegible] were living [illegible] 2 & 3 to 1, and that was the standard arrangement. All of the buildings were [illegible] with tents.

Q. Did you find that you lacked in the Army?

A. At the beginning we were given a daily amount of rice--[illegible] per man per day, [illegible] per month, and some change, about [illegible], however, we were always only [illegible] of rice per day, and they were always [illegible] of course, by the [illegible] as an equal ration. So, the natural desire to [illegible]

Q. How long did this take you?

A. It took three days, and we arrived in Inuvik the fifth of June. We had hoped to be here several days, but they would not unload us until one man died and another was in serious need.

Q. Was the ship crowded in any way that you know?

A. Oh, it wasn't, and in the hold—under the flooring—[illegible] ventilation, [illegible] and various other military equipment.

Q. On your return to Inuvik, you were taken to Aklavik [illegible]?

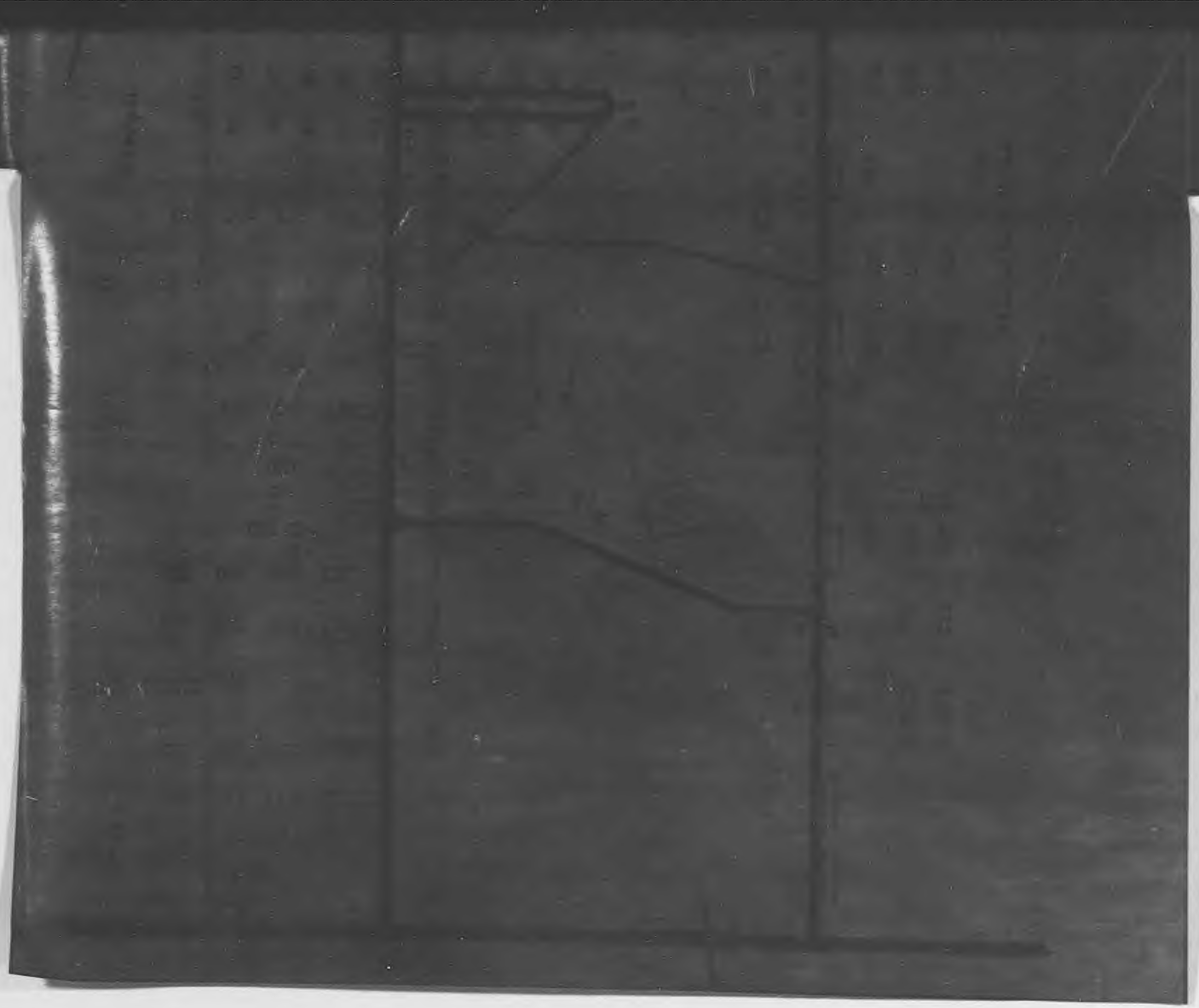
A. That is right. Some of us, the ones in the worst shape, were left there for treatment, the others were taken to Chicoutimi.

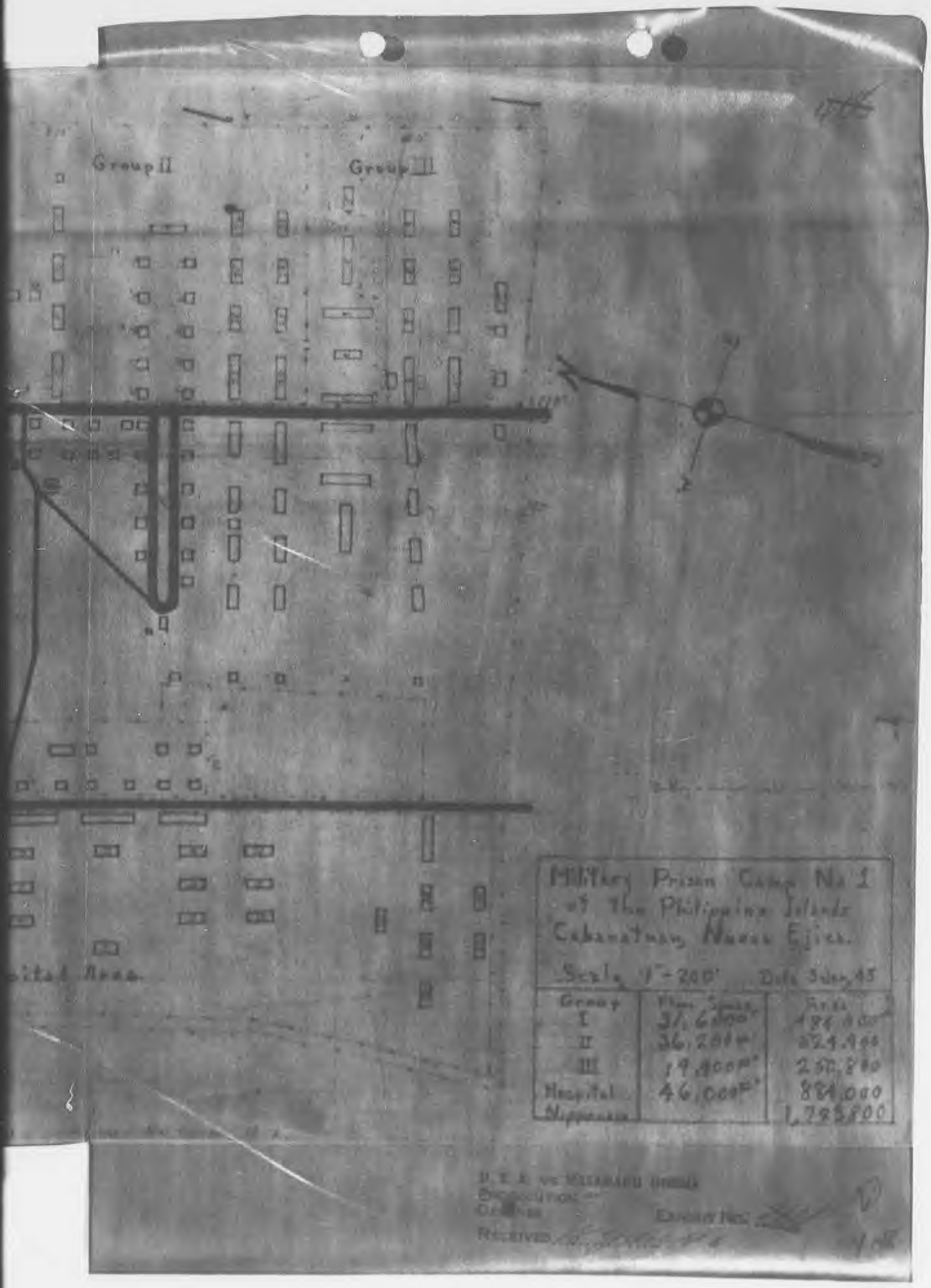
Q. Did [illegible] in Aklavik until it was liberated?

A. That is correct.

Q. [illegible] you [illegible] that you had lots of fish [illegible]?

A. [illegible] there were times when the Japanese were in [illegible] large part of our rations consisted [illegible] and [illegible] and [illegible] of course, not very much. We [illegible] from [illegible] this [illegible], but the natives were generally [illegible] and [illegible] and [illegible], so they [illegible] [illegible] [illegible]




Group II
Group III
Military Prison Camp No 1
of the Philippine Islands
Cabanatuan, Nueva Ecija.
Scale 1" - 200'
Date June 45
Group
I
II
III
Hospital
Nipponese
U. S. A. vs Yoshio Fukuda et al
Exhibit No.
Received

Nipponese Area

N. 10° W.

Hospital Area

GROUP I

GROUP II

GROUP III

NOTES
Contour interval 10 feet
Arbitrary elevation adopted

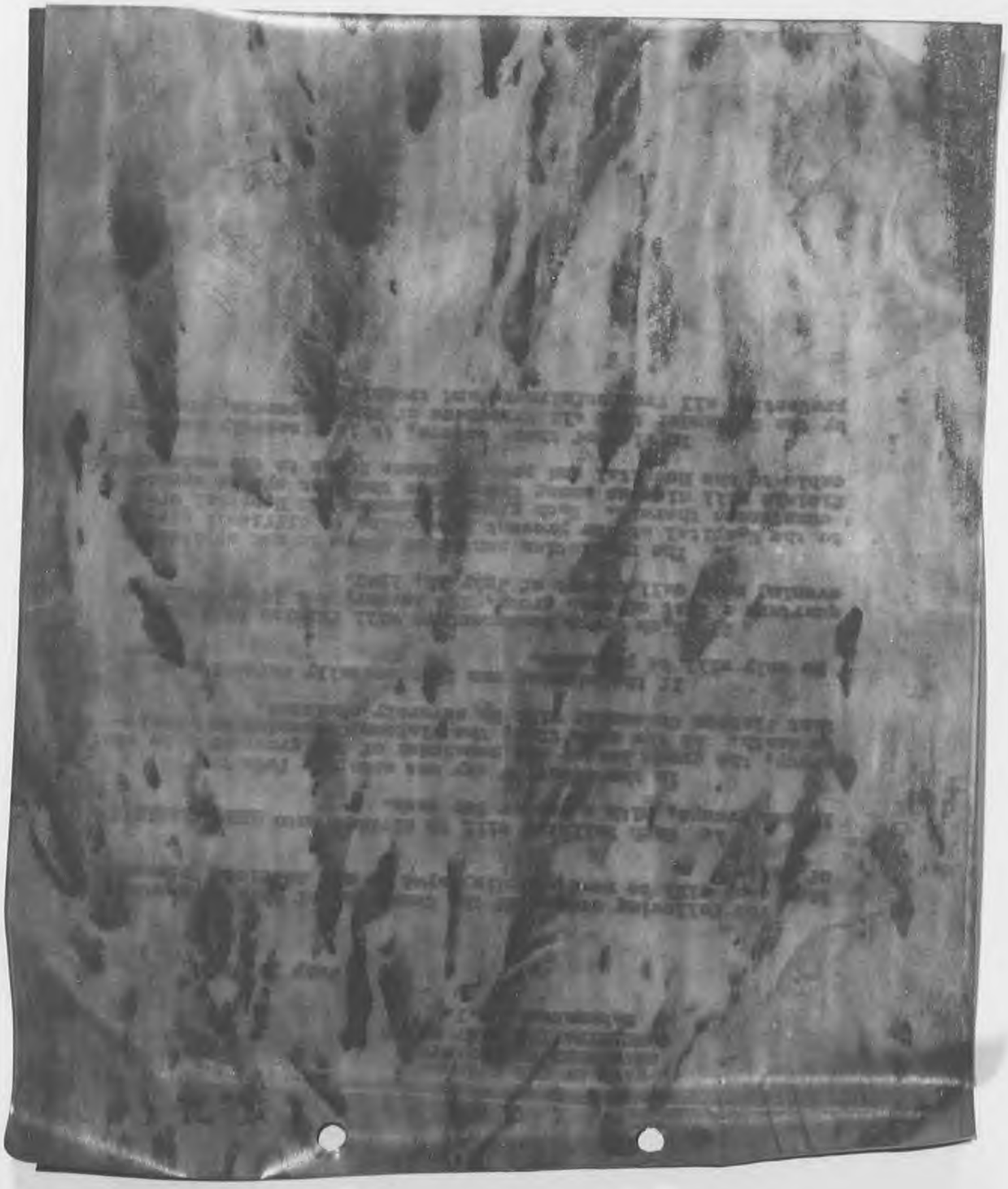
MILITARY PRISON CAMP
CABANATUAN, PHILIPPINES

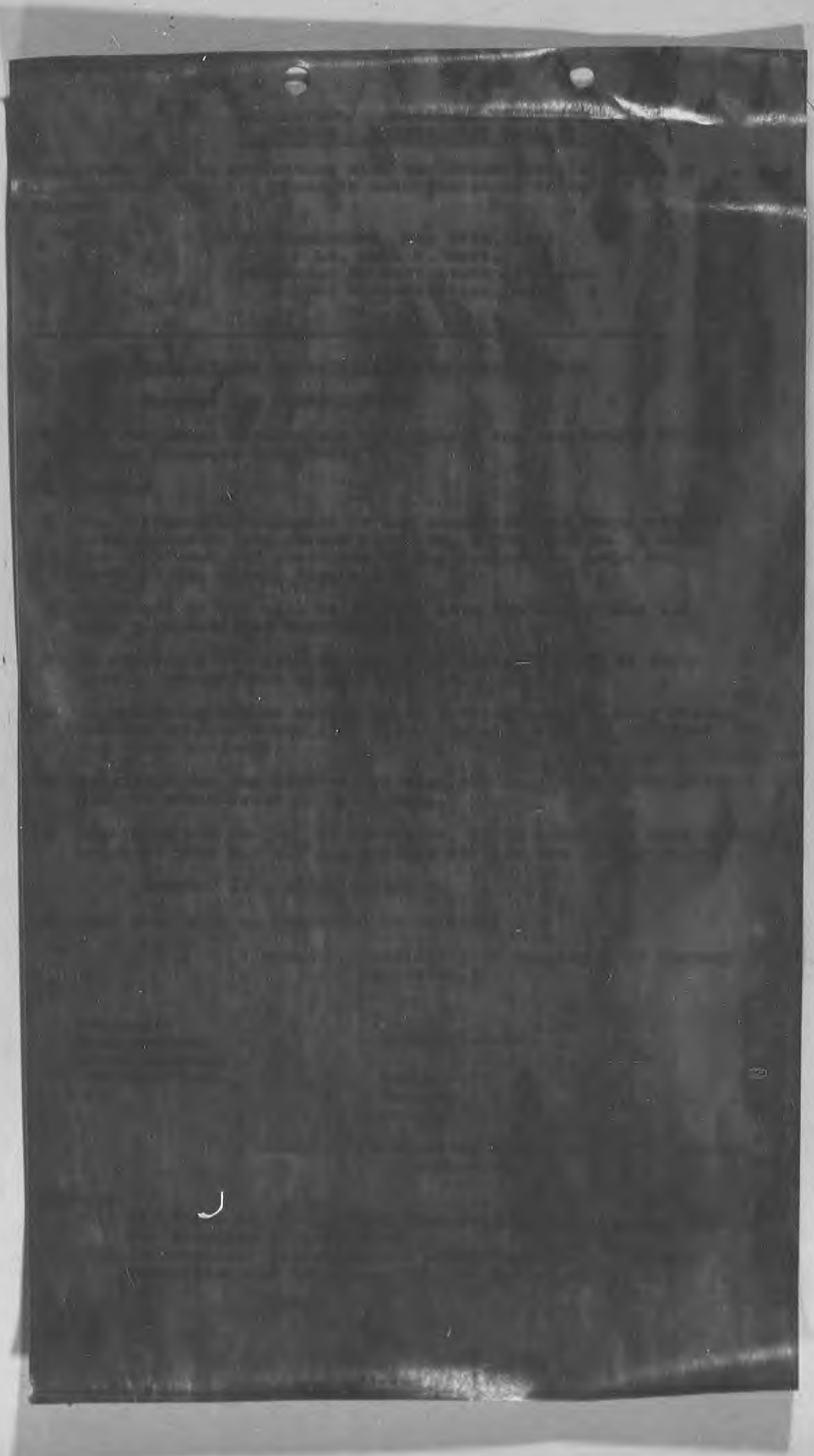
CAMP 3

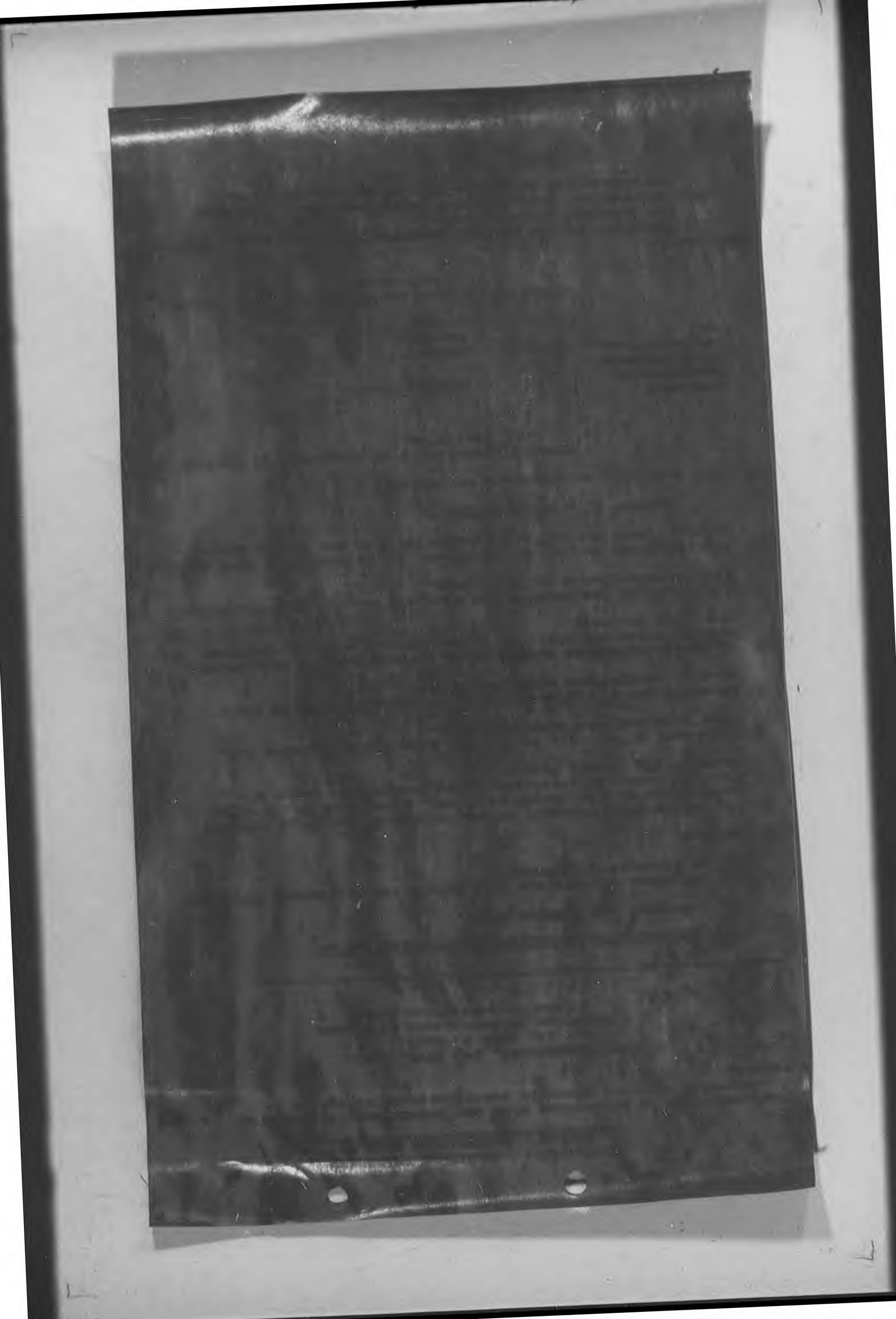
Scale 1" = 200' Date 12-24-45

U. S. A. vs NASAHARU HOMMA
Prosecution
Defense
Recorded

Exhibit No. 1469







Art. 11 The Commander of Prisoner Headquarters should, as a rule, be a senior colonel.

Art. 12 Each group will organize its office staff as provided by the following paragraph:

1 Adjutant.
1 Translator of German.
1 Officer in charge each barracks.
1 Supply Officer.
1 or 2 Doctors.

The above will be organized into Officer Personnel.

Besides the above each Commander and Assistant as may be necessary should also be detailed.

Art. 13 The Commander of each group should be a field officer.

Art. 14 The Camping Commander should, as a rule, be a captain.

Art. 15 The Section Leader should, as a rule, be a 1st or 2nd Lieutenant, who will be governed in the matter according as the barracks larger.
Each Barracks will have a subleader (a senior Non-Commissioned Officer).

Chapter III - TRANSFERENCE OF OFFICE.

Art. 16 Instructions regarding prisoners will be issued daily at 1600 (4:00 p.m.) at the office of Japanese Camp Headquarters.

Art. 17 A prisoner Headquarters Assistant of the transmitter of Orders will present himself at the Japanese Headquarters at the above time.

Art. 18 Emergency instructions concerning important items will be issued at other times whenever necessary.

Chapter IV - SPECIAL INSTRUCTIONS CONCERNING EACH BARRACKS.

Art. 19 Each barracks leader will detail a suitable man who will be responsible for the upkeep and cleanliness of barracks and adjacent grounds.

Art. 20 The Commander of Prisoner Headquarters will issue the necessary instructions for the proper arrangement of clothing, bedding, and other personal belongings to insure neatness and cleanliness.

Art. 23 .At the entrance of each barracks a sign will be posted indicating the following items:

Classification of prisoners (Army or Navy).
The names of officers and the assistant section leader of the barracks.
Number of non-commissioned officers.
Number of privates.

Chapter V - [illegible]
TO DUTY.

Art. 23 Each Group will appoint an Officer of the Day.

Art. 25 The Officer of the Day will be responsible to the Commander Prisoner Headquarters for each item, in his own group, as the preservation of discipline, adherence to regulations, precautions against fire, and preservation in his group area.

Art. 24 Each company will appoint two non-commissioned Officers of the Day.
The non-commissioned Officers of the Day, under the general supervision of the Officer of the Day will see that the provisions of Article 23 are complied with and be responsible for the distribution of meals insofar as their area companies are concerned.

Art. 25 All prisoners who are on duty as Officer of the Day, Non-Commissioned Officer of the Day, or as a patrol will patrol inside of the fence of the Internation Camp at frequent intervals.
Instructions regarding these patrols will be promulgated by the Commander of Prisoner Headquarters.

Art. 26. Each group will detail 4 mess sergeants and the necessary cooks to prepare the group meals.
Mess details will be furnished for by the group commanders and each group should provide an equal number of men.
Insofar as possible mess details should be changed weekly.

Art. 27. All reliefs from duty will be effected after supper.

Chapter VI - FIRE REGULATIONS.

Art. 28 Each barracks will appoint a reliable man who will be responsible for the infringement of fire regulations and the fighting of fire should it occur.

Art. 29 Smoking will not be allowed in barracks buildings at any time and in other buildings only when such trays are provided. Smoking will be allowed outside of buildings only at prescribed places which will be designated.

Art. 30. A fire brigade will be provided by each group (See annex, Table I for organization and duties).

Art. 31 The building of fires, other than those in the kitchens and as indicated below is strictly prohibited. Burnable waste and refuse will be burned at a designated place under the supervision of a reliable man.

Art. 32 Before any barracks is completely vacated an inspection will be made for the purpose of ascertaining that no fire hazard exists.

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Chapter VII - SERVICE.

Art. 33 Orderly and kitchen details will be detailed as follows:

(a) Personnel necessary for preparing food, washing messing utensils and cleaning the kitchen area will be appointed and detailed from each group.
The Commander Prisoner Headquarters will control the number of such personnel required and submit a report to the Japanese Camp Headquarters for approval.
(b) One orderly will be allowed for each two officers.
(c) Each company will detail one runner for duty at the group office each day.
(d) Each group will detail two runners for duty at the Prisoner Headquarters each day.
(e) Two runners will be sent by Prisoner Headquarters for duty at the Nipponese Camp Headquarters each day.
(f) Other orderlies, when required by the Nipponese Army, will be furnished upon receipt of instructions to that effect.

Chapter VIII - DAILY ROUTINE AND CONDUCT OF PRISONERS.

Art. 34 The daily program is shown in annexed table XI.

Art. 35 No one will leave the immediate vicinity of his own barracks unless on duty, working detail, or going to and from the toilet, without permission from the barracks leader.

Art. 36 Lying down or sleeping in barracks during working hours is prohibited, except for those who are ill or for some other sufficient cause.

Art. 37 The morning and evening roll-calls will be held by each barracks leader at the designated places. After roll-call each barracks leader will report the result of the roll-call to his Company Commander.
The Company Commander will report this information to his group Commander who will transmit the report to the Commander Prisoner Headquarters. The Commander Prisoner Headquarters, after receiving the reports of roll-calls furnished by Group Commanders, will make a report to the Officer-in-Charge of Roll-Call of the Nipponese Camp Headquarters.
During rainy weather roll-call may be held indoors.

Art. 38 The Commander of Prisoner Headquarters, Group Commanders, Company Commanders and Officers of the Day should attend the roll-call for each barracks at intervals in order that they may become fully acquainted with the state and condition of all prisoners.

Chapter IX - SANITATION.

Art. 39 Special attention must be paid to personal hygiene and camp cleanliness to prevent the outbreak and spread of contagious diseases.

Art. 40 Bedding and other effects will be aired in the sunlight at least once a week and oftener if conditions permit, in places to be designated later.

Art. 41 In case it becomes necessary to isolate or remove a patient to the hospital, the Surgeon of the Prisoner Headquarters will report the facts to the Surgeon of the Nipponese Camp Headquarters and await the latters instructions.

Art. 42 Bathing of prisoners and washing of clothes will be as prescribed by the Nipponese Army.

Art. 43 Section leaders will be held responsible for the cleanliness and orderly arrangement of bedding and personal effects in each barracks. Group Commanders will instruct the Officer of the Day to make inspections to insure barracks are in a clean and orderly condition.

Art. 44 The Officer of the Day of each group will be held responsible for the cleanliness and sanitary condition of kitchens and latrines in each group.

Art. 45 Prisoners who are in need of medical treatment will be reported to the Group Surgeon, who will report patients to the Prisoner Headquarters Surgeon. The Prisoner Headquarters Surgeon will transmit and report to the Surgeon of Nipponese Camp Headquarters each day.

Chapter X - MAINTENANCE.

Art. 46 Provisions for prisoners will be supplied by the quartermaster officer of the Nipponese Army to the Quartermaster of Prisoner Headquarters.

Art. 47 The Quartermaster of the Prisoner Headquarters will distribute provisions to each group in accordance with its numerical strength.

Art. 48 Each group will establish a group kitchen. Each section will provide the necessary containers and each company unit will draw food for the company at the group kitchen under the supervision of the non-commissioned officers of the Day.

Art. 49 The Mess Officer will issue food to each company in accordance with its numerical strength.

Art. 50 Water in the Prisoner of War Concentration Camp will be used only for cooking, drinking and rinsing of the cooking wares for any other purpose is strictly prohibited.
Bathing and washing will be carried out at places prescribed by the Nipponese Army.

Chapter XI - PUBLIC ORDER RULES.

Art. 51 Prisoners will keep at least two meters away from the fence surrounding the concentration camp.

Art. 52 Prisoners will, as far as possible, answer calls of nature between sunrise and sunset.
After sunset no one will be allowed to leave his barracks without permission of the section leader.

Art. 53 Prisoner officers of the Day and runners will wear specified arm bands on the left arm.

Art. 54 Prisoners will, on all occasions, salute the Nipponese Corps and Soldiers.

Art. 55 All work details will be assembled by 8:00 a.m., every day. Whenever necessary special instructions in connection with work details will be issued at this time.

Art. 38

Art. 39

Art. 40

Art. 41 Violations of any of the various regulations are punished by death by shooting or by confinement in the penal camps.

Art. 42 In addition, according to the powers of the officer, punishments will be inflicted by sentence of the Commander of the Concentration Camp.

EXHIBIT 411

(UNDER SEPARATE COVER)

U. S. A. vs MASAHARU HOUMA

PROSECUTION

DEFENSE

EXHIBIT NO. 411

RECEIVED

Anterior view, bare foreleg, ankle and foot, of U. S. Calliphora dimorphic cells erected below (Certificate A) and enlarged great toe-nail (B-3 and Certificate B).

C E R T I F I C A T E

We certify that we were present on 23 July 1949, at the Signal Corps Photo Laboratory, Santa Rosa Street, Santa Rosa District, Manila, P. I., when the above photograph was taken. It is a true and exact representation of the left foreleg, ankle and foot of Dr. Gilbert Isham Cullen as they then appeared.

/s/ [illegible]

/s/ Philip J. Ellsworth Jr.
/s/ PHILIP J. ELLSWORTH JR.

A CERTIFIED TRUE COPY.

/s/ [illegible]
1st Lt. Sig C

/s/ MASAHARU HONMA
MASAHARU HONMA

EXHIBIT B

[illegible]

[redacted]

Fingerprint, hands of Mr. E. I. Sellers. Show limitation of finals of fingers of left hand. One knuckle gain with fingers of outstretched right hand. Cannot close fingers of outstretched left hand. Total function of wrists is left wrist [illegible] account of previous limitation as finding (3-6 and certificate 30.

[redacted]

We certify that we were present on [illegible] July 1945, at the Signal Corps Photo Laboratory, Santa Rosa [illegible], Santa Rosa, California, [illegible], when the above photograph was taken. It is a true and exact representation of the hands of Mr. Sellers [illegible] as they then appeared.

[illegible]
[illegible]
30 July, 1945

[illegible]
[illegible]
30 July, 1945

A CERTIFIED TRUE COPY:

[illegible]

U. S. (A) vs. HERMANN GÖRING, et al.
PROSECUTION
DOCUMENT [illegible]
FILED [illegible]

EXHIBIT R

[redacted]

[redacted]

[redacted]

-2-

from there. On the 16th of April, 1943, I went to serve the condemned patient by submarine. I [illegible] blocked by cancelling [illegible] the ship, but still no date was assigned. Suggested an operator and back at place on the [illegible] the [illegible]. I watched the [illegible] the ship.

Q. This happened then
A. [illegible] I was not people confined on the [illegible] in Iloilo City. On Friday the 16th of April, a [illegible] blockade by the naval officials, went to the San Agustin College. He said he was going to be the chief [illegible] Executive Judge of the City of Iloilo. He arrived, with the Senior Director of the prison, the warden of the College and left us and another Englishman, Reginald Fawcett there at the college. He made the prison director responsible for our detention. He said he would [illegible] later.

Q. What happened next
A. The next day, around 3:30 p. m., a car [illegible] and he came [illegible] the officer of the [illegible] Bank of Iloilo City.

Q. Where was this office?
A. It was in a house [illegible] the entrance of the Iloilo provincial prison.

Q. What happened there?
A. We stayed there about an hour giving our names and the [illegible] routine questions. They then told us to [illegible] baggage into the prison. We found there were thirty [illegible] women, and children. They were Americans, British and Dutch. There was also a Swiss and a Russian. The Japs [illegible] were rounding up everybody with a white skin.

Q. Will you describe your first few days in that prison from April 17th to May 16th, 1943, as you [illegible] well. We were left more or less free to walk [illegible] the prison compound. We were allowed to talk to each other freely. We were allowed to have our own supplies brought in to us, so the food was all right. On the morning of May 16th, all but a few of the civilians were taken out of the prison. They were lodged in a vacated internment camp in a [illegible] house at the corner of Rizal Ave. and Bonifacio Streets in Iloilo City. Among the few who were forced to remain at the prison were myself, Mr. Cullen, Reverend Patrick A. Frost and James Lee. Harry was allowed to leave. Pat and Jim were [illegible] investigation. They came from Guimaras Island.

Q. When did Mr. Cullen arrive at the [illegible] prison?
A. He was brought there a short time after I arrived. I believe he came about the 5th of April, 1943.

Q. What also happened on 16 May 1943?
A. They told Mr. Cullen and me that we would remain in the prison for further investigation. The investigation started about eleven o'clock in the morning of that day. Mr. Cullen was taken into an investigation room just to the right of the entrance as you go out of the prison. My investigation took place in the building to the [illegible] which leads to the road where Mr. Cullen was [illegible]

SECRET

investigated.

Q How far was he from you while he was talking with you?
A He was about twenty feet from me. I could not see inside his room in the passageway made a turn, but I could hear much of what went on there. There were door between us.

Q What happened in the investigation room
A before they started asking me questions, I heard Kires from Dr. Collen's room. It sounded as if someone was beating a woman. This continued for several minutes and to my dismay I realized that Dr. Collen was being beaten. I heard him say, 'I do not understand why you are treating me like this as I have always been a friend to the Japanese people.'

Q Could you hear and understand what was being said to Dr. Collen?
A Yes. Kires was questioning Dr. Collen, whose is from Virginia. I am familiar with that dialect.

Q What questions did they ask him?
A They asked him many questions about radio. They kept wanting to know where the set was located and how many soldiers there were on guard. They asked me such the same questions. They asked me whether it was true that there were five thousand Russian troops on Peiping. I knew there were not fifteen, but I answered that, 'Perhaps so.'

Q What else happened in the investigation room
A after they had beaten and questioned Dr. Collen for a while, Dr. Collen's interpreter came out of his room and asked me, 'Do you know the doctor?'

I said, 'Yes, I have known him since 1911.'

The interpreter said, 'He is a bad man.'

I acknowledged, 'No, he is a good man.'

He questioned, 'He is spy.'

I said, 'No sir.'

The interpreter then said, 'Show you are.'

I answered that neither Dr. Collen nor I was a spy, we have too well-known in China. Then they started [illegible]

He interpreter asked, '[illegible]?'

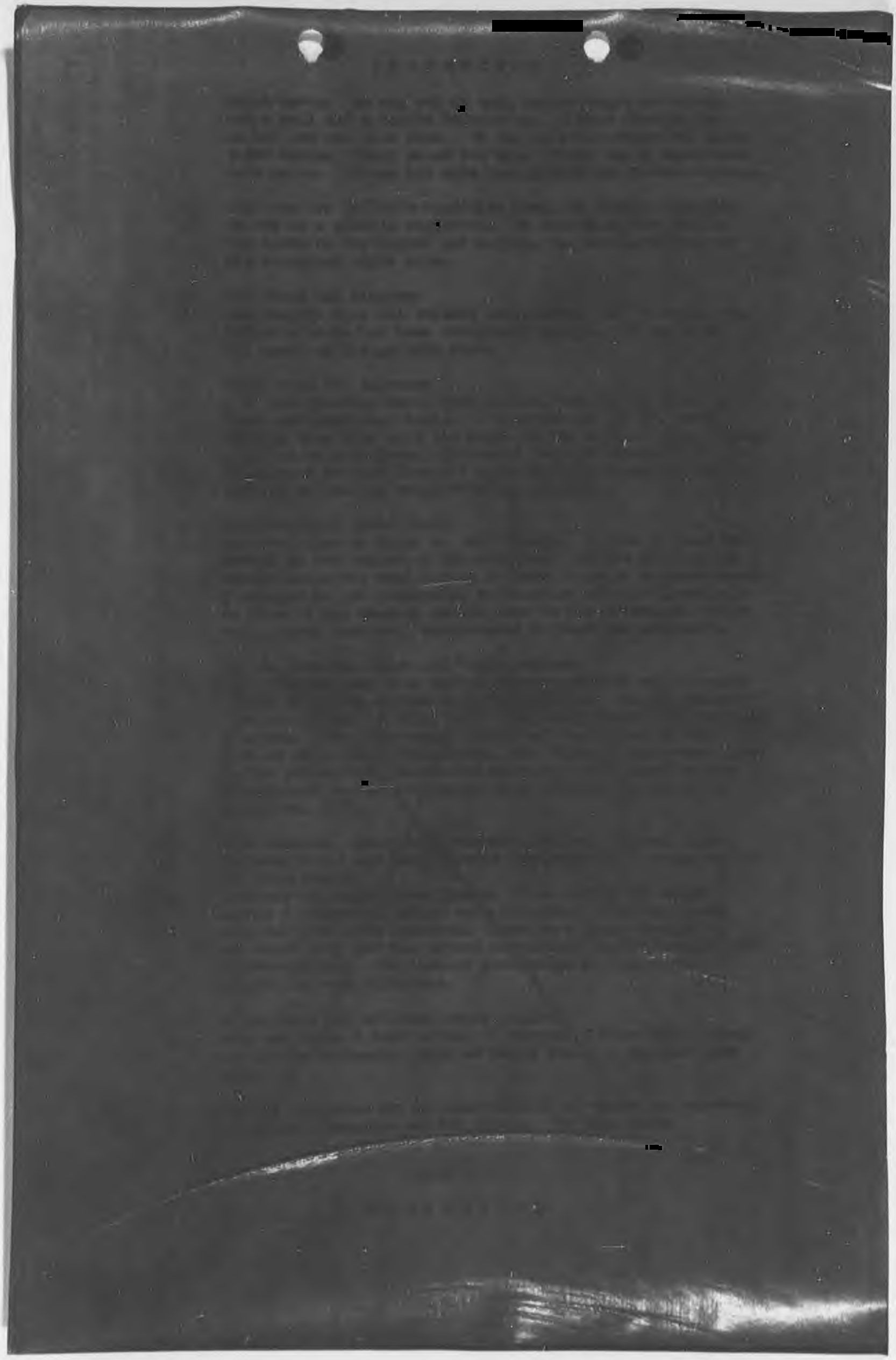
I answered, 'Yes.'

He continued, 'Why you go any longer?'

I answered, 'Because [illegible].'

He asked, 'Yes, Collen?'

I said, 'Yes.'



[redacted]

Q [redacted]
A [redacted]

Q [redacted]
A [redacted]

SECRET

RESTRICTED

called the interpreter over to my cell and told me that they didn't even know that all Americans spoke out at the same time about me". The assistant interpreter asked, "why?" I told him the old story of the wrong treatment of loss of sanitation and food, that he had pneumonia and also had to be operated immediately for liver ailment. The interpreter took the two doctors to my fellow's cell. The doctor was lying on his cot. He was very weak. They asked what was wrong with his lungs. I explained that nothing was wrong with his lungs but that he required liver extract for his ailment, pernicious anemia. I told him I would be sent to Tokyo Prison Hospital. I told them that as he was the engineer who designed the water system in Little City and has greatly improved it, it will be very bad for Japanese propaganda if he died. The place you have suggested to me, is not the best to a great many persons in Little City. It might that he would visit his patients at any time of the night. He was one of those for doctors who, if you were really sick, would stay right there by you.)

Q What happened then?
A The interpreter told me the doctors said they could do their best to get him out. All this time of work and begging several messages [illegible] concerning his condition. Finally on January the 22nd, 1943, the camino superintendent my cell and spoke to me some words in Japanese. I was informed that I did not understand him. He then said, "Come with, hospital." Then he threw keys into my cell and motioned for me to unlock Mr. Outlaw's cell. I joyfully informed my companions that Mr. Outlaw was to be transported to the hospital. I said "Hurry up before those Japanese change their minds." We quickly packed his belongings, placed him in a chair and carried him to a truck that was waiting at the entrance of the jail.

Q Did you ever see him again?
A Not until the day we left for Manila. He was carried to the entrance of the Little Internment Camp just a few minutes before we boarded the boat.

Q How much of this back to Manila
A Myself, Mr. Outlaw, Miss Riley, Miss Robbins, Reginald Tenney, Everett A. Frith, Miss Lee and all the people from the Internment camps

Q What was Mr. Outlaw's condition during this trip to Manila?
A He was bedridden and very weak.

Q What day did you leave for Manila
A We left on the 26th of June, 1943.

Q Where were you taken when you arrived in Manila
A To the Internment camp at Santo Tomas.

Q Were you worked while you were in the Provisional Prison?
A No. I was invited that many times but they never compelled me.

Q Were Tenney, Robbins, Riley, Frith, or Lee, ever worked only for Miss Riley. I think he was mentioned one day but he would never talk about it.

RESTRICTED

Q. As far as I know, there was only one assassin.
Lee was enough. He was a pig, but man. He was about
five feet, eight inches tall and weighed about two hun-
dred pounds. He was about fifty years old and very fresh.
He looked more like a [illegible] than he did an ex-
Colonel in all the regalia.

Q. What was his name
A. As I said, I do not recollect his name, but he came from
Akron on a bus and was booked over in the dormer.
This job was the toughest of the military police.

Q. You said the record, do you have the rest of the names
I never knew the rest of the names. As I said, security
kept people separated by one another.

Q. Your committee, if they did this would have with the
officers in the [illegible] project
A. We recommended it as we did all the rest of their work and
be directed the [illegible]. One of his orders was that no
messages should pass between one cell of the prisons. He
blocked Galindez's treasure to Saint Louis [illegible] for a
long time. It was Bill who brought all those [illegible]
Lindo into the prisons. Many of them were destroyed by bad
action before they ever brought them to the prisons.

Q. How many persons were present when you were interrogating
an Il Duce [illegible]
A. There were three besides myself.

Q. Did you give us their names and descriptions
A. I gave them to [illegible]. I gave an accounting to
him and I can't remember anything about him, he [illegible]
letter was of the military police.

Q. Was he an officer or an enlisted man
A. I do not know. He did not wear any and I don't believe I
ever saw his upper body.

Q. Can you describe him
A. He was around forty-five to fifty years of age. He was
white.

Q. Was hair color
A. I don't know. He never stood up.

Q. Who was the third man
A. He was an interpreter. He was the [illegible] reader who
[illegible] the people in the compound. I will [redacted]
his nationality.

Q. How many of the persons who interrogated Il Duce did you
see?
A. Only one.

Q. You have spoken of him as "Dr. Gilbert's interpreter".
How do you know that?
A. I assume he was the interpreter because he was sitting
alongside. The interpreters always were sitting beside.

Q. Was he a Japanese
A. Yes.

-3-

Q You have stated you would not see in Mr. Collier's room.
A That is right.

Q Do you know whether were that this one Japanese took part in the investigation?
A I don't think very much, but I do not know how many there were and I never saw any of them except this one, the boy coming out and asking my questions.

Q Can you give us his name and description?
A I believe his name was Fukuoka. He was short, husky-ish, rather young, about twenty-two years old, and his hair was parted in the middle. He had a pleasant face, his arms are quite long. It was out of proportion to the rest of his body. I saw him again later on. He was doing interpreting work around the prison.

Q Can you give us any information which might help us in apprehending the other Japanese who were present during the torture of Mr. Collier?
A After the Japanese liberated Camp Three, I returned to Manila with for a short time. While there I was talking to a Japanese who was calling me about Fukuoka attempting to get in the back of Jiro. The Japanese said he might be able to tell me how Mr. Collier, because a Japanese non-commissioned officer who was investigating him had asked him "would you like me to trust you the same way I trusted the Japanese officer in the Manila provincial prison?"

Q Did the Japanese tell you the name of the non-commissioned officer?
A He did not name it, but he said he would know him if he ever saw him again.

Q Do you know the name of the Japanese and where can he be found?
A It was either a Mr. Kuroshima or Nakamura of the Japanese Civil Secretary in Manila City, or it was a Mr. Akimoto, who was the manager for the Manila Electric Company. Mr. Akimoto was also an ex-country director. He was operating a taxi service out of Manila then. He lives in the town of Manila in Manila Province.

Q Can you name of Japanese and other Japanese who work in the provincial prison?
A There was a Japanese named Tanaka who served as an interpreter in the prison from time to time. He was between thirty and seventy years of age, about five feet, six inches tall, and had a white mustache and white hair. He was well-known in Manila City. He lived in Dalton and tried to help him as much as possible. There was also another guard, named Tanaka, but he was an relative to the one I have just described. He had lived in Manila City before the Japanese invasion of the island. He was a young man, about twenty-five years old, five feet, six inches tall, with a stocky body and a pleasant face. He was also a rice dealer type.

Q Were any other persons you think should be investigated in connection with atrocities committed in the Manila provincial prison?

A Yes, there is one more Japanese. He was a young man of about eighteen or seventeen. He was a former student at the San Agustin College. He was about five feet, six inches tall, thin and good-looking. He spoke about one hundred and ten pounds. I cannot remember his name, but he also lived in Iloilo City, with his father and mother, before the Japanese invasion. He served as an spy for the Japanese military police. He spoke English, Spanish, and Visayan. He is guilty of bringing in people to be tortured and shot. He did this merely for personal conquest. He was responsible for the capture of many young Filipino officers who had been in the R. O. T. C. of his college. I saw him and his father at the prison many times bringing in prisoners, interrogating and torturing them. His name is Uyeki, Jesuke. I remember it now.

Q Do you know whether Dr. Cullen received any torture in addition to that given him on 10 May 1942?
A Not was the only torture he received.

Q Can you describe this Lieutenant Nihira who served you at the San Agustin College?
A Yes. He was about thirty-five years old, around five feet, six inches tall and he was good-looking. He usually spoke in Jiboch, though he did speak English. He had been in the Japanese Embassy in Paris, France. He had also been a marine architect for the Mitsui Bussan Kaisha.

Q Did he thereafter serve as civilian administrator of Iloilo City?
A Yes, but he had no connection with the provincial prison. It does not see that he was always dealing with the political prisoners.

Q When you leave here do you intend to go directly to England?
A No, I hope to visit my brothers, C. M. Paul. His address is 5474-30th Avenue, San Francisco, California.

Q What will be your address in England?
A 5/13 Queens Gardens, Hyde Park, London, W2.

Q Can you give us the present addresses of Gilbert, Verney, Miller, Pratt, and Lamp?
A I think Verney has gone to England, though he might stop in the United States. His mailing address in England will be 2 Maidenhead, Ray, London, W1. His mailing address in the United States is 1090 Rosewood, Los Gatos, California.

Q Is this man's name spelled Verney or Verngy?
A The correct spelling is Verney. Mrs Miller's address is c/o Mr. Kenneth Ives, 120 Broadway, New York. I do not know Lamp Goldbeck's address but he has a father living in Manila and you can get the address from him. I do not know the address of Corporal Pratt or of Frank Lamp.

Q Is there anyone else who can give us any information about the services of Dr. Cullen?
A I am by the name of Gervase Barcenas visited Dr. Cullen while he was in the prison. He brought food to him at a great risk to himself. His present address is 1701 Taft

RESTRICTED

[illegible] Detail, Philippine Library. His home is behind the Golden Garden Station on Taft Avenue.

Q Do you have anything else about the operation mentioned at the reception point in Cebu City?
A Yes, I would say "The Guard" also had called a joint Filipino-Japanese meeting about 4:30,1945. I was also sitting. It took place in the same conference room I was later, at the 10th military intelligence. The Japanese and both other Filipinos got up a call and started to greet the Black with handclasps at once.

Q What had the captain done?
A He was merely trying to restrain himself from a handclasp.

Q Do you know the Filipino name?
A No.

Q Is there anything else you wish to tell us?
A I would say that "The Guard" were known among us, and that it was quite habit to show preference to the Japanese. I remember once when a Filipino had been reported to the Japanese that "The Guard" gave him a beautiful time in the cell.

Q Do you know the Nisei Filipino well?
A Yes. I was taught boxing and judo with.

Q To what all you remember about the circumstances in the Fuerte Postal Building?
A I believe I have told you about all the main important things.

/s/ [illegible]

SUBSCRIBED AND SWORN TO BEFORE ME

/s/ [illegible]
CAPTAIN, INFANTRY, AUS
ASSISTANT

I, Walter Dahle Anderson [illegible], of legal age, being duly sworn on oath, state that I have read and understood the foregoing transcription of my interrogation and all answers contained therein, consisting of 2 typed pages, and that it is true to the best of my knowledge and belief.

/s/ Walter Dahle Anderson [illegible]

Subscribed and sworn to before me this 28th day of August, 1945.

/s/ [illegible]
CAPTAIN, INFANTRY, AUS
ASSISTANT

-2-

RESTRICTED

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AFFIDAVIT

My ASF S. Watson, 34 Inf., 0857556, Pvt., and Phillip J. Doherty, Pvt., 34 Inf., 0857557, AUS, certify that on the 5th day of August, 1945, personally appeared before me, Walter Dulle Eastwood Neal, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Walter Dulle Eastwood Neal, read the same and affixed his signature thereto in our presence.

5th Guam Battalion, Camp Lotus, P.I. /s/ ASF S. Watson
/s/ ASF S. Watson
34 Inf., AUS

14 August 1945 /s/ Phillip J. Doherty, Jr.
/s/ Phillip J. Doherty, Jr.
34 Inf., AUS

A CERTIFIED TRUE COPY:

Walter L. De Repentigny
Capt JAGD

U. S. A. vs MASAHARU HONMA
Prosecution
Exhibit
Received

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EXHIBIT 415
Rejected

U. S. A. Vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 415
RECEIVED: Rejected

COMMONWEALTH OF THE PHILIPPINES
DEPARTMENT OF HEALTH AND PUBLIC WELFARE
BUREAU OF HEALTH
NATIONAL PSYCHOPATHIC HOSPITAL
Mandaluyong, Rizal

December 29, 1945

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of this Office a patient by the name of Irene Christianson, 32 years old, married, and a native of Portland, Oregon, had been under confinement and treatment in the National Psychopathic Hospital. She was admitted on January 9, 1942 and was discharged on August 11, 1943, as a recovered case of Schizophrenic reaction.

/s/ D. Lacuna
/t/ D. LACUNA
Acting Chief, N.P.H.

A CERTIFIED TRUE COPY:

John L. McCahan
Capt JAGD

54

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No. 56
RECEIVED

BUREAU OF HEALTH
NATIONAL PSYCHOPATHIC HOSPITAL
Mandaluyong, Rizal

EXTRACT FROM THE RECORDS OF MRS. JOHN CHRISTIANSEN
(IRENE CHRISTIANSEN)

1-9-41

On admission patient has the following physical injuries which according to the nurse accompanying her were sustained while still outside:

1. Bluish discoloration on left side of lumbar region about 20¢ size.
2. Slight bluish discoloration on base of left ring finger.
3. Bluish discolorations on left thigh 2 in no. about 2 cms in diameter each.
4. Bluish discoloration on right ear about 10¢ size

(SGD.) F. C. SANTOS

(SGD.) [illegible]
Nurse

CERTIFIED TRUE COPY

/s/ [illegible]
Actg. Senior Clerk
National Psychopathic Hospital

A CERTIFIED TRUE COPY

[illegible]

U.S.A. vs. MITSUBISHI MOTORS
Civil No. [illegible]
EXHIBIT No. [illegible]
Received [illegible]

RESTRICTED

For the WAR CRIMES OFFICE

Judge Advocate General's Department — War Department

United States of America

In the matter of the surrender of Corregidor

Interrogation of the testimony of George F. Moore, Major General, USAFFE.

Taken at: Pentagon Hotel, Washington, D. C.

Date: 29 October 1945

In the Presence of: 1Lt. Colonel Burton R. Brown

Recorder: Faith L. Griswold

Questions by: Captain M. J. Donnelly

Q Will you please give me your name, rank, serial number, and organization, sir.
A My name is Major General George F. Moore, USAFFE. I was Commanding General of Harbor Defenses, Manila Bay, which included Corregidor. I was present at the time of surrender of Corregidor on 6 May 1942.

Q Did you hear General Wainwright broadcast his appeal for surrender terms over the "Voice of Freedom," Corregidor?
A I did not hear him, and as a matter of fact General Wainwright did not broadcast. General Beebe did the speaking for him. I was informed of this by General Wainwright. The broadcast was made the morning of 6 May.

Q Did the Japanese answer that appeal?
A Not to my knowledge.

Q At what time was the white flag raised?
A At 12 o'clock noon on 6 May.

Q Where was the white flag raised, General?
A White flags were placed at the three entrances to the Malinta Tunnel in full view of the attacking Japanese. Also on the flag pole at the highest point on the island. This point can be seen from the Marivales. I can't be sure of this, but I can't see how they could miss it.

Q What is the highest point on Corregidor where the white flag was displayed?
A The summit of Corregidor, about 600 feet.

Q After the white flags had been raised did the Japanese continue to bomb and shell the island?
A Yes.

Q Did you accompany General Wainwright to see the Japanese regarding surrender terms, sir?
A I went out with General Wainwright, Lt. Colonel Duff.

RESTRICTED

Major Jewell, Major Brown, and a marine officer who was carrying the white flag. We went out to meet the Japanese commander. When we approached them, the Japanese officer acting as interpreter said to General Wainwright, "I presume you have accepted our terms, the surrender of the entire Philippine Islands." General Wainwright after some talk appeared to have General Homma and discuss the matter with him. The Japanese then took General Wainwright and his aide, Major Jewell, to Homma where they were joined by General Wash and Colonel Pugh. Major Brown and I returned to our original post at Malinta Tunnel. Colonel Pugh had returned to our lines to get General Moore and take him to Homma.

Q What time did General Wainright leave Corregidor?
A 1:30 o'clock.

Q What time did General Wainright return to Corregidor?
A About 6 o'clock that night. I saw him about 10 o'clock. He told me the results of the conference. He told me that he had been General Homma who refused to discuss with General Wainright the surrender of Corregidor and the Manila Bay area. General Homma left the conference and said if he wished to surrender Corregidor he would have to talk with the Japanese General on the island. General Wainright returned to Corregidor and went immediately to the senior commander of the Japanese forces on Corregidor to surrender.

Did you accompany General Wainright on the second surrender expedition?
A I did not.

Q How long did fire and bombing continue on Corregidor?
A Briefly, fire and bombing kept up until at least 4 o'clock in the afternoon of 6 May, and it was renewed again on the morning of 7 May. The Japanese had informed us that they were going to shell again on the 7th and for us to get the troops out of our area by 3 o'clock. The fire was directed principally on Topside.

Q Did the bombing continue on the morning of the 7th?
A It did not recall.

Q Were you fired upon at the time you and General Wainwright went down to make the first contact with the Japanese?
A They were firing small arms and artillery fire, hitting around us. I cannot tell whether or not it was aimed at the surrender party.

Q Were they firing at the white flag?
A They were shelling with artillery just above the white flag at Malinta.

Q Do you know of any casualties from shelling or bombing after 12 on 6 May?
A I do not. It is quite possible there were some.

Q After you had completed conference with General Wainwright and Japanese on Corregidor, were you fired upon by the Japanese?
A We started back and General Wainwright and his aid were with us, also two Japanese officers. There was no firing at the time, but five bombers came over and attacked the bridging

Peter Tarlac, Major Jones, and a Marine bugler who was carrying the white flag. We went out to meet the Japanese Commander. When we approached them, the Japanese officer acting as interpreter said to General Wainwright, "I presume you have assembled over here, the surrender of the entire Philippine Islands." General Wainwright after some talk succeeded in his desire and stopped the matter right there. The Japanese then took General Wainwright and his aid, Major Jones, to Cavite where they were joined by General Weale and Colonel Pugh. Major Jones and I returned by my command post at Ballista Tunnel. Colonel Pugh had returned to our lines to get General Weale and take him to Cavite.

Q What time did General Wainwright leave Corregidor?
A 2:0 o'clock.

Q What time did General Wainwright return to Corregidor?
A About 8 o'clock that night. I saw him about 10 o'clock, he told me the results of the conference. He told me that he had been General Homma who refused to discuss with General Wainwright the surrender of Corregidor and the Manila Bay area. General Homma left the conference and said if he wished to surrender Corregidor he would have to talk with the Japanese General on the Island. General Wainwright returned to Corregidor and went immediately to the senior commander of the Japanese forces on Corregidor to surrender.

Q Did you accompany General Wainwright on the second surrender expedition?
A I did not.

Q How long did fire and counter continue on Corregidor?
A Artillery fire and counter kept up until at least 4 o'clock in the afternoon of 5 May, and it was renewed again on the morning of 7 May. The Japanese had informed us that they were going to shell again on the 7th and for us to get the troops out of our area by 8 o'clock. The fire was directed principally on Topside.

Q Did the shelling continue on the morning of the 7th?
A I do not recall.

Q When you first went up the line, you and General Wainwright went down to make the first contact with the Japanese? They were firing small arms and artillery fire, hitting around us. I cannot tell whether or not it was aimed at the surrender party.

Q Were they firing at the white flag?
A Yes, were hitting with artillery just around the white flag at Malinta.

Q Do you know of any casualties from artillery or bursting shrapnel on 5 May?
A I do not. It is quite possible there were some.

Q After you had concluded conference with General Wainwright and Japanese on Corregidor, were you fired upon by the Japanese?
A We started back and General Wainwright and his aid were with us, also two Japanese officers. There was no firing at the time but five bombers came over and attacked the shipping

STATE OF NEBRASKA)
) ss.
COUNTY OF NEMAHA)

I, [illegible], of lawful age, being first duly sworn on oath, state that I have read the foregoing [illegible] and that the statements therein are true to the best of my knowledge and belief.

[illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

RESTRICTED

For the WAR CRIMES OFFICE

Judge Advocate General's Department - War Department

United States of America

In the matter of negotiations between General Jonathan M. Wainwright and the Japanese forces on Luzon, P. I., 6-8 May 1942.	Perpetuation of Testimony of Jonathan M. Wainwright, General, United States Army.

Taken at: Shoreham Hotel, Washington, D. C.

Date: 31 October 1945

In the Presence of: John M. Weir, Brig. General, U.S.A., Charles S. Warren, Jr., Lt. Col., and Captain Edward J. Connelly, JAGD

Reporter: Arthur C. Hendrix, civilian, Office of The Judge Advocate General.

Questions by: John M. Weir, Brig. General, U.S.A.

Question (by General Wainwright): May I ask you before we go into this, what is the purpose of this questioning?

Answer (by General Weir): We are trying to get all phases of the Japanese conduct of the war which were in violation of the rules of warfare, then, the specific atrocities that were committed upon the Americans and upon the Filipinos. Will you please tell us about the details of the surrender to Homma?

Answer: (General Wainwright): Well, as far as Homma is concerned, when I tendered General Homma my surrender of the four fortified Islands in the mouth of Manila Bay on the late afternoon of May 6, 1942, he declined to accept that surrender unless it should include all United States and Philippine Army Forces in the Philippines. I had previously released from my command the troops in the Visayan Islands and Mindanao, and when Homma demanded the surrender of all United States Troops I informed him that I no longer commanded those troops in the Visayan Islands and Mindanao. He insisted that he knew that I did command them all, since it had been repeatedly broadcast by American radio, and I told him that was true--that I had commanded them all, but that those troops--other than those in the Fortified Islands and in the north of Luzon, were no longer under my command. I did not tell him that I had only recently released General Sharp directly to MacArthur's command.

Q. You say at MacArthur's command?

A. No, on my own decision, and directed them to report to MacArthur. Well, after considerable argument back and forth between us, he, Homma, finally said, "you will either surrender

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All troops in the Philippine Islands or hostilities against the Japanese in the Philippine Islands may will be considered terminated completely disarmed and destroyed all arms.” Well, having completely disarmed and destroyed all arms, and a very few small ones, the situation was hopeless, faced a very few small arms, the situation was hopeless. After some discussion back and forth between us, he said something which I think was to the effect, “well, I am in sympathy with what you say, but I am not in sympathy with your decision to surrender.” And, without further ado he got up and left the table and walked out, and left me to the realization of having all my people in the Philippine Islands slaughtered, or almost all of them.

After some study, I finally sat down late that evening by the Japanese as one of their possible tasks had to accomplish before I had not arrived there a little after midnight, and there I found a great many more Japanese there who had come on the island while I had been in service at about perhaps 4:30 in the afternoon. I found them right up on the hill side of the airstrip, which was the end of the caverns of Corregidor, called Topside, which was the end of the tunnel. And the Japanese were within a few hundred yards of this tunnel. So I was escorted to the Topside office of the Japanese Army that I had visited on the Bataan peninsula, and I was taken to a Colonel who was in charge of the Japanese Army. I don't know what was connection was assistant of the army, I don't know what his exact rank was, but a pure soldier termin the Army. This is what it was, is a pure soldier termin the Army. This is what it was. He is located at the west end of Corregidor. He is located at the west end of the island Topside. I explained the terms of my formal surrender terms. That I accepted the terms of my formal surrender terms. That I accepted all troops in the Philippines. And he is having and accepted all troops in the Philippines. And he is having and received all troops in the Philippines. That's the story of that part. I signed it about midnight. That's the story of that part. I signed it about midnight.

Q. On 6 May?

A. Yes, the night of 6-7 May.

Q. Such point here now, did you present terms of surrender from the Japanese Army, or did you make it, or just who puts the first term on here?

A. Well, some term is there, exactly after considering here, I presented a formal type thing—a message there of that or similar—and that I accepted all the troops in the Philippine Islands, for me to surrender all the troops in the Philippine Islands, and that if accepted they would be treated as prisoners of war under the terms of International Law. And that seemed to be the result of it.

Q. What terms was Wainwright in his message?

A. Same thing any what?

Q. In other words, was there a message?

A. Yes. The last words of his message were, "If you do not reply to this surrender within three hours, we will be guided as we see fit, or some such action as we see fit" or words to that effect.

Q. You had no further contacts with the Japanese headquarters?

A. No.

Q. Until this particular day—the 6th?

A. That's right.

Q. You made a further move to the Japanese on May 6th?

A. That's right.

[redacted]

Q. Was walked on the Argentine sewage plant?

A. Today by Lansdowne.

Q. And what was there said to Lansdowne?

A. [redacted]

Q. He was also a guest of Juan Duval Perón?

A. Yes, I did. [redacted]

"Perhaps you also [redacted] personal conversation in which we [redacted] powers.

"Because everything [redacted] appreciation [redacted]

"[redacted] [redacted] [redacted] [

made by Corregidor by that time, because I considered that, and still consider, it to be unreasonable to make an military action after you have received a white flag and all enemy has been broken to pieces, for the purpose firing unarmed. It was as a matter fact when he was firing, I sent an officer out with a white flag. He met a patrol in the harbor, I don't know its name, but he was in just as the radio writer if he could find out in Corregidor Island, and can him if he, the Japanese officers, would come in and see me. That radio officer returned with officers and stated that the Japanese officer would not come to see me, and that I would have to go to see him. My conversation by General Wainwright and his aide, Major Brown, and my self, Colonel Chase and Major Bunker, when we made the decision and the white flag, I sent out the remaining two Japanese officers at that time as Corregidor Island, because Fort Drum, which is in the mouth of Manila Bay, and there was only one or necessary would be evacuated either by Corregidor or by troops in the Philippine Islands.

Q. How were you fed?

A. I noticed one man there at the time. He was already a short officer. I don't know his name. He had an interpreter with him. I told him I was only considering the surrender of four fortified islands in the mouth of Manila Bay. He said, "that will not be accepted." Then I said, "I mean Fort Drum."

Q. [Colonel Harris] Was flags of truce used on Corregidor-Fort Drum?

A. I think there was only one flag displayed on Corregidor-Fort Drum.

Q. [Colonel Harris] Was the flag on Fort Mills in plain view of the Japanese artillery on Bataan?

A. Yes. It was on what is called "Top Side" which is 600 feet above sea level, and from Bataan you can see Fort Drum clearly. That last artillery observation, point all over Fort Drum consists which extends to an altitude of 1,500 feet, and they had received bullets from which they were observing artillery fire. Of course they saw it.

Q. [Colonel Volz] Did you go directly from this colonel to Homma's headquarters?

A. I never went to Homma's headquarters.

Q. I mean this house where you met him?

A. I had a motor launch stationed at the southtook of Corregidor Island. Anticipating this move to Bataan, I had ordered it around to the north dock and after I met this colonel I tried to get to the north dock, and about that time the Japanese artillery put down a very heavy concentration between there I was and Cabcaben Tunnel. One of my aides, Colonel Pugh, hardically and without my knowledge or direction, went through that artillery fire to the north dock to get my boat and bring it around. I started back with a Japanese colonel and a Japanese lieutenant (Oramura) who spoke English. When this artillery concentration became heavy the Japanese colonel wouldn't go with me. He said, "No, we will go and be the start end of the Island where we can get a Japanese unit." John Pugh, however, went through the artillery fire and got my boat, but found out in some way that I had gone. He met me later on Bataan. This

[illegible] as to the exact use of the ground [illegible] the well which is [illegible] after approximately thirty minutes delay we [illegible] and a half, we managed to get a Japanese General [illegible] Japan. It was my [illegible] called in the place that I was asked for a meeting with Homma.

Q. Who was with you when you met Homma?

A. Jones, Pugh, Bewley, Major Bill Lawrence and Lt. Carroll.

Q. (Colonel Marshall) About what time, General, did you contact General Sharp as to the release of his message that this before your [illegible]?

A. I sent three messages May 6th. The last thing I did. I probably sent them out between 11 and 12. They had us so all mixed up I think they went out between 11 and 12. One went to Sharp, one message to the President, and one to General MacArthur.

Q. And they relayed General Sharp's troops from your message?

A. Yes, one of them did.

Q. What was the extent of the Japanese fire after the flag of truce was hoisted at noon on the 6th?

A. Well, I have just described one heavy artillery concentration which had got down between their position and Malinta Tunnel. While I was talking to this Japanese colonel there was also a heavy aerial bombardment of both Corregidor and Fort Hughes, mainly in on Caballo Island--the nearest one--and the five boys up [illegible] during that afternoon and night. When I came back that night, about midnight or a little before, there was a tremendous artillery bombardment which came down on the west end of Corregidor Island while I was negotiating with that colonel at the Barrio San Jose. That was a tremendous bombardment.

Q. Was that continued on the morning of the 7th of May?

A. Yes, there was artillery fire on the morning of the 7th. Quite a heavy concentration on the morning of the 7th. That was the last firing--on the morning of May 7th. That was about the middle of the forenoon--9:30 or 10 o'clock.

Q. Do you know of any American casualties as a result of that bombardment?

A. There were unquestionably casualties, but I don't remember how many. In fact, I can't tell you how many casualties there were on the night of the sixth.

Q. There were deaths, General, after the white flag was hoisted?

A. Oh, unquestionably.

Q. (General Vale). Let's go back to the meeting with Homma. When you left him you came back to the Island. Please take up right there until we get back to Manila.

A. After I left Homma, I went down to the dock at Cabcaben where my motor boat, that Colonel Pugh had brought over, was tied to the boat. When we got back there we found that the boat was fast sinking from shell fire, and it was apparent that we

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couldn't go back to Corregidor in that boat. Some of those with me had removed our hand baggage which we had taken over with us, because I never expected to go back to Corregidor when I came over.

Q. Were you in custody at that time?

A. Yes, and the Japs took the same boat that I had come over on and loaded up my party so that and took us back to Corregidor Island and landed between North Point and Cavalry Point, so-called, nearer the eastern end of the Island. This boat ran in as close to the shore line as it could and when it hit the rocks we got out and waded ashore, and scrambled up quite a steep cliff and got to the road which passes just by Kenley Field, which is a small airstrip there—very small. By this time I had made up my mind tentatively that I would have to arrange for acceptance of Homma's terms, and, as we marched toward Malinta Tunnel, I finally decided I would have to do it, after I saw that conditions were, and I asked to see the senior officer on the Island. We were stopped just to the east end of Malinta Tunnel and some Japanese officers went over and we sat on the ground for perhaps half an hour. These officers came back and said they would conduct me to a colonel who was then in Barrio San Jose, and I went through the Malinta Tunnel and found it, as I have already described it to you. I saw this Japanese colonel and amended the terms of my original document to include all troops of the Philippines. I was then taken back to Malinta Tunnel. I went to a little room that had been set aside for me and I remained there for the remainder of the night. The next morning at perhaps seven o'clock, or it might have been eight, I am not sure, I was up at the time, the Japanese colonel, who was a member of Homma's staff, his name was Naba, came along to arrange details of the surrender with me. After considerable discussion back and forth I finally wrote out a message that I would send by broadcast to General Sharp, which I opened up by telling him that I assumed command over his troops, and I sent messages to Colonel Horan in the Mountain Provinces and to Colonel Parker of the Philippine Constabulary, who commanded a small detachment in the Cagayan Valley. Then Colonel Naba said we would leave at two o'clock and go to Manila and I would be given an opportunity to broadcast those orders to General Sharp, Horan, and Parker. I told him that they would not accept my orders by broadcast, for the reason that anybody could do that—broadcast such orders—and then I thought better of it, that if I broadcast this message to Sharp, and then send it down by one of my staff officers by plane—which the Japs said they would furnish—it would give Sharp time to communicate with General MacArthur. He would have at least twenty-four hours. So I finally told [illegible] I would do that. So I wrote out these various messages. Then he went off somewhere and I sat all day waiting for him. He got back about five. Then he said that we would now leave; we got into one of their cars and went over to Limay where we disembarked and, again, he left us, in the yard of a Filipino school which was apparently being used as a Japanese barracks, and we must have waited an hour and a half or two hours before he came back. I think he had been in telephonic communication with Homma's headquarters. Then we got in cars and drove to Manila, arriving I should say, roughly at 11:30, the night of May 7th. We went to the broadcasting station that had formerly been an American broadcasting station, KZRH, and there I broadcast the letter that I had written to Sharp, Horan, and Parker, and arrangements were made for one of my two staff officers, Jesse Traywick, G-3, to get to Sharp in Mindanao by plane, and for Colonel Galbraith, my G-4, to find Horan in Mountain Province, and Kalakuka of G2, to go

[illegible]

Cagayan Valley to find Colonel Baker. I broadcast this message from just before until just after midnight on the night of 7-8 May.

Q. Did you give any special instructions to these officers that were carrying the messages?

A. I gave them the complete conditions that General Sharp imposed; that is, as to where they would form their troops; what they would do with their weapons, materials, etc.

Q. Did any of them ever report back to you?

A. Truyston went to Jhorp and came back. A complete text of my letter was sent to General MacArthur and MacArthur had radioed back, "You should break up into small guerilla detachments." He also said, "Now that you are on the ground I will leave the matter entirely in your hands. It is up to your discretion." Sharp then accepted my orders and surrendered his troops.

Q. Did Calabaza come back?

A. He's dead. Whether he was killed, or died from [redacted] case I don't know. Calbreith came back. He rejoined us at Tarlac in North Central Luzon sometime in July. I was in Tarlac from the 7th of June until the 11th of August.

Q. General, can you go back now to Manila--to the broadcast at midnight: What happened to you from that moment on? Will you carry that a little further, if you don't mind?

A. Following this broadcast, the Japanese took us to an apartment in the University Club, which is at the corner of Dewey Boulevard and Bonifacio Avenue. This club had occupied the two top floors. Below that, were the apartments, and they had been occupied by Americans and English mostly, and we went there, and they gave me a room. I was held there and I was told that I was not a prisoner of war.

Q. That you were not a prisoner of war as that time?

A. Yes, but I well understood what they meant by that; that is, that they were going to hold me there until the troops had surrendered.

Q. In other words, as a hostage?

A. Yes. I stayed there until the 9th of June. The whole point was that the Japanese were holding some ten thousand troops in the fortified islands whose surrender they would not accept until the troops all over the Islands had complied with the surrender orders. My principal concern was for fear that they would do what they said they would do; that is, slaughter all those people in the fortified islands unless the troops all over the Archipelago surrendered. That was my chief concern--for those troops on Corregidor and the other fortified islands. Well, we finally got the situation pretty well cleared up and on the morning of June 9th the Japanese officer who spoke English, Lieutenant Uramura, came to me with a letter in Japanese which was translated and stated in substance: "The troops under your command have now surrendered; your high command ceases and you now become a prisoner of war and will today be conducted to a prisoner of war camp at Tarlac." There we went that day.

Q. How long were you at Tarlac?

late Capture Valley to find Colonel Baker. I broadcast twice message from just before until just after midnight on the night of 7-8 May.

Q. Did you give any special instructions to these officers that were carrying the messages?

A. I gave them the complete conditions that General Homma imposed; that is, as to whom they would form their troops; what they would do with their weapons, materials, etc.

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Q. Did Kalakuan come back?

A. He's dead. Whether he was killed, or died from illness I don't know. Galbraith came back. He rejoined us at Tarlac in North Central Luzon sometime in July. I was in Tarlac from the 9th of June until the 11th of August.

Q. General, can you go back now to Manila--to the broadcast at midnight: What happened to you from that moment on? Will you carry that a little further, if you don't mind?

A. Following that broadcast, the Japanese took us to an apartment in the University Club, which is at the corner of Dewey Boulevard and South Avenue. This club had occupied the top floors. Below that, were the apartments, and they had been occupied by Americans and English mostly, and we went there, and they gave me a room. I was held there and I was told that I was not a prisoner of war.

Q. That you were not a prisoner of war at that time?

A. Yes, but I well understood what they meant by that; that is, that they were going to hold me there until the troops had surrendered.

Q. In other words, as a hostage?

A. Yes. I stayed there until the 9th of June. The whole point was that the Japanese were holding some ten thousand troops in the fortified islands whose surrender they would not accept until the troops all over the Islands had complied with the surrender orders. My principal concern was for fear that they would do what they said they would do; that is, slaughter all those people in the fortified islands unless the troops all over the Archipelago surrendered. That was my chief concern--for those troops on Corregidor and the other fortified islands. Well, we finally got the situation pretty well cleared up and on the morning of June 9th the Japanese officer who spoke English, Lieutenant Uramura, came to me with a letter in Japanese which was translated and stated in substance: "The troops under your command have now surrendered; your high command ceases and you now become a prisoner of war and will today be conducted to a prisoner of war camp at Tarlac." There we went that day.

Q. How long were you at Tarlac?

A. For two months and two days. I left there the 11th of August.

Q. Did you see Homma again?

A. I never saw Homma after I met him at Cabanatuan at which time he rudely got up from the table and walked off. I never saw him again.

Q. Do you know whether Yamashita was over on Luzon or in the Philippines while you were operating there?

A. I'm quite sure he was not.

Q. The reports that we had here were something to this effect with reference to Homma: That he wanted a "Yes or no, or nothing else."

A. Yes, that's what he said. "A complete surrender or nothing." He said, "You surrender all troops in the Philippine Islands or I will continue hostilities against the fortified islands." With my troops in the condition they were, I could make but one decision, unless I wanted to see the slaughter of ten thousand Americans.

Q. Would you be available to testify in war crimes trials?

A. Of course, I am available at any time that my country demands my service. But I can name you a dozen better witnesses than I am. I will go if I am required, but I don't think it would be necessary as I can name so many other witnesses.

/s/ J. M. Wainwright
/t/ JONATHAN M. WAINWRIGHT
General, U.S.A.

City of Washington)
) ss:
District of Columbia)

I, JONATHAN M. WAINWRIGHT, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Jonathan M. Wainwright
/t/ JONATHAN M. WAINWRIGHT
General, U.S.A.

Subscribed and sworn to before me this 1 day of November 1945.

/s/ Edward J. Connolly, Jr.
Captain, J.A.G.D.
O-2052369

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CERTIFICATE

I, E. J. Connolly, Jr., Captain, JAGD, certify that Jonathan M. Wainwright, General, U. S. Army, personally appeared before me on 31 October 1945 and testified concerning war crimes; and that the foregoing is a full and accurate transcription of the answers given by him to the several questions set forth; and the corrections made in ink were made by General Wainwright in my presence and were initialed by me.

/s/ [redacted]
[redacted] Jr.
[redacted]
[redacted], JAGD

Place: Shoreham Hotel
Washington, D. C.

Date: 1 November 1945

A CERTIFIED TRUE COPY:

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No.
RECEIVED

RESTRICTED

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 1220
RECEIVED

Order by #21

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT NO.
RECEIVED

[redacted]

U.S.A. vs HASHIMURA TOMIO
PROSECUTION
EXHIBIT NO. 1313
DEFENSE
IDENTIFIED
RECEIVED

70

[illegible]

OFFICIAL JOURNAL

OF THE

[illegible]

[illegible]

Published by

[illegible]

AFFIDAVIT

COMMONWEALTH OF THE PHILIPPINES)
CITY OF MANILA) ss

I, CORNELIO MANCENIDO, of age, single, residing at 70 Juana Osmeña Street, Manila, after having duly sworn according to law, deposes and says:

That in clarification of the term "American Troops" used in my affidavit dated 30 January 1946, I desire to say that I did not mean American soldiers or military personnel but I referred to the Filipino civilian employees who were under the supervision of the U.S.A. forces being civilian employees of the Oil Companies in the Pandacan District, Manila. I did not see any American soldiers nor any uniformed members of the military in the vicinity of the fuel tanks on the 31st day of December 1941.

[illegible]

Subscribed and sworn to before me this 4th day of February, 1946.

[illegible]
Notary Public
[illegible], Manila, P.I.
Expires [illegible]
Attesting Officer.

A CERTIFIED TRUE COPY:

[illegible]
1st Lt. [illegible]
U.S. [illegible]

[redacted]

[redacted]

[redacted]

Decision

[illegible] - Tabernacle, Antipolo, Rizal Province, Philippine Islands, Philippine Field Military Police Unit, Manila Surface Detachment, U.S. Army (believed to be a harbor patrol unit), U.S., Sgt. Chigaru Tokashi, Holder of the Order of the Golden Kite, 7th Grade, Birthday - 30, August 1915.

Court-martial of the above mentioned defendant for accidental homicide has been held with Akoma Ashida, Judge Advocate Officer, as Presidiary. The verdict is as follows:

Verdict

The defendant is fined thirty (30) Yen. In the event that the defendant is unable to pay the aforementioned fine, the defendant shall be held in a labor camp for a period of fifteen (15) days.

Reasons

The defendant was serving as Chief of the special investigation division of the above mentioned U.S. Detachment. He had previously learned how to drive a car, and after becoming attached to the said detachment he was issued a permit to drive for the Detachment Commander and drove them he was needed. On 18 April 1940, about 1130, there was an sudden aerial attack and bombardment by American planes in the direction of the Pasay district, Manila. In order to investigate the site of the bombed area, the Detachment Commander, Samuel Sakai, First Lt. MP ordered the defendant to drive the said detachments passenger car (Military Administration Section Special Permit #138) with the Lieutenant and several other members of the detachment as passengers. As driver of the car he left the detachment and was then proceeding along Calle Ilaw (8 meters wide) in the Malate district at a speed of approximately 40 kilometers. The defendant was proceeding southward toward the bombed area at 1130 hours on this road, and as reached a point approximately 1700 meters south of the Yacht Club, Jose Conto, a Spaniard, (age about 47, address #1 Palm Court St., Pasay, Manila) appeared in the middle of the street approximately 100 meters to the front, riding a bicycle and heading in the same direction. The defendant blew the horn, because of the horn the said Jose Conto gradually moved over to the right side of the road. The defendant thought the bicyclist had realized that the automobile was approaching and decided that he could easily pass the bicyclist on the left side. He slowly steered to the left and continually blew his horn so that the said Jose Conto would not come into the path of the oncoming automobile. During his training he had been taught in the carrying

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ORGANIZATION
14TH ARMY

IMPERIAL GENERAL HEAD

SOUTHERN ARMY HEADQU

COMMANDER IN CHIEF
14TH ARMY
LT. GENERAL HOMMA

CHIEF OF STAFF
Lt. Gen. MAEDA — UNTIL FEB 28, '42
Lt. Gen. WACHI — FROM 28 FEB '42

JUDGE AND-VOCATE DEPARTMENT

ORDNANCE DEP.
Maj. Gen. OKUBO

INTENDANCE DEP.

MEDICAL DEP.
Col. HORIGUCHI

VETERINARY DEP.

STAFF DEPARTMENT, 1ST SECTION — COL. NAKAYAMA

STAFF D

(1) OPERATIONS
Lt. Col. MAKI
(2) Lt. Col. NAKAJIMA
(1) until 28 Feb '42
(2) From 28 Feb. '42

INTELLIGENCE
Lt. Col. NAKAJIMA
Maj. HABA

(1) TRAINING
Lt. Col. MAKI
(2) Lt. Col. KUROSAWA
(1) until 28 Feb '42
(2) from 28 Feb '42

AIR CORPS
Lt. Col. ARIYA MA

ORGANIZATION
Maj. Sato

SHIPPING
Capt. Tomita

XIII BRIGADE
Maj. Gen. KAWAMURA
Mar-Aug '42

41st DIV.
Lt. Gen. KITANO
Mar-May '42

65th BRIGADE
Lt. Gen. NARA

11TH DIV.
Lt. Gen. MORIOKA

42nd DIV.
Lt. Gen. TSUCHIHASHI
Dec-Jan '42

KAWAMURA DET
Mar-Jun '42

KAWAG DE
Mar-Jun

ANIZATION CHART
14TH ARMY

GENERAL HEADQUARTERS

N ARMY HEADQUARTERS

NDER IN CHIEF
14TH ARMY
ENERAL HOMMA

EF OF STAFF
MAEDA — UNTIL FEB 28, '42
WACHI — FROM 23 FEB '42

DIRECTOR-GEN
MILITARY ADMINISTRATION
Deputy Chief of STAFF:
Maj. Gen. HAYASHI

MILITARY POLICE HQS.

MILITARY POLICE (PHILIPPINES)
Lt. Col. OHTA — Lt. Col. KODAMA

MILITARY ADMINISTRATION DEPARTMENT

ADMINISTRATION
FOREIGN AFFAIRS
FINANCE

CIV. INT. CAMPS OUTLYING

SANTO TOMAS INT CAMP

MA

STAFF DEPARTMENT. 2nd SECTION – COL. TAKATSU

ANIZATION
j. Sato

SHIPPING
Capt. Tomita

MIL. ADM
Maj. WADA

SIGNALS
Maj. KITAYAMA

RAIL TRANS
Maj. KITAYAMA

SUPPLIES
TRANS. P.O.W.
(1) Maj. INABAKI
(2) Maj. Wada
(1) Until 23 Feb '42

KAWAMURA DET
Mar-June '42

KAWAGUCHI DET.
Mar-June '42

63rd Service Group
Col. FUKUDOME

ARMY TRANS HQS

CABANATUAN CAMPS 1,2,3

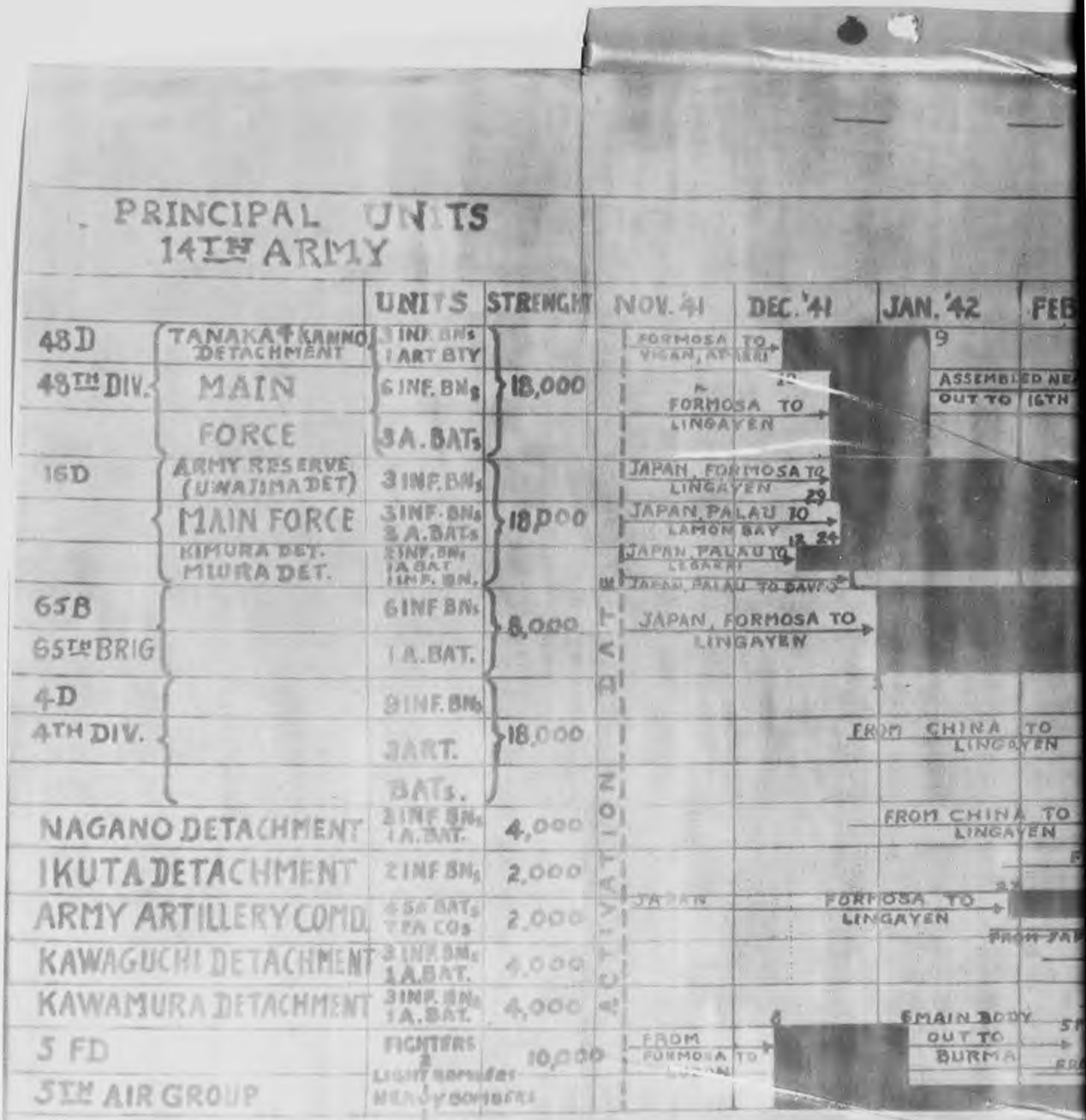
CAMP O'DONNEL
CAPT. TSUNEYOSHI
Lt Col ITO

61st Service Grp.
Col. Ishikawa

12th Field Service Unit
Col. Omori

PRINCIPAL UNITS 14TH ARMY

		UNITS	STRENGHT
48D	TANAKA (KANNO DETACHMENT)	3 INF. BNs 1 ART BTY	
48TH DIV.	MAIN	6 INF. BNs	18,000
	FORCE	3 A. BATs	
16D	ARMY RESERVE (UWAJIMA DET)	3 INF. BNs	
	MAIN FORCE	3 INF. BNs 2 A. BATs	18,000
	KIMURA DET. MIURA DET.	2 INF. BNs 1 A. BAT 1 INF. BN.	
65B		6 INF BNs.	8,000
65TH BRIG		1 A. BAT.	
4D		9 INF. BNs.	
4TH DIV.		3 ART.	18,000
		BATs.	
NAGANO DETACHMENT		2 INF BNs 1 A. BAT.	4,000
IKUTA DETACHMENT		2 INF BNs	2,000
ARMY ARTILLERY COMD.		4 SA BATs 1 FA COs	2,000
KAWAGUCHI DETACHMENT		3 INF. BNs 1 A. BAT.	4,000
KAWAMURA DETACHMENT		3 INF. BNs 1 A. BAT.	4,000
5 FD		FIGHTERS 2 LIGHT BOMBERS	10,000
5TH AIR GROUP		MEDIUM BOMBERS	



NOTE: BESIDES UNITS INDICATE
BATTALIONS IN THE V
IN MINDANAO.

	FEB. '42	MAR '42	APR. '42	MAY '42	JUNE '42	JULY '42	AUG. '42
SEMBLED NEAR MANILA T TO 16TH ARMY							

NA TO
INGAYEN

ASSEMBLED NEAR MANILA
OUT TO JAPAN FROM LINGAYEN

HINA TO
INGAYEN

TO VISAYAS

FROM JAPAN TO
LINGAYEN

TO MINDANAO

FROM JAPAN TO LINGAYEN

FROM MALAY
TO VISAYAS

OUT TO ITA

N BODY
T TO
RMA

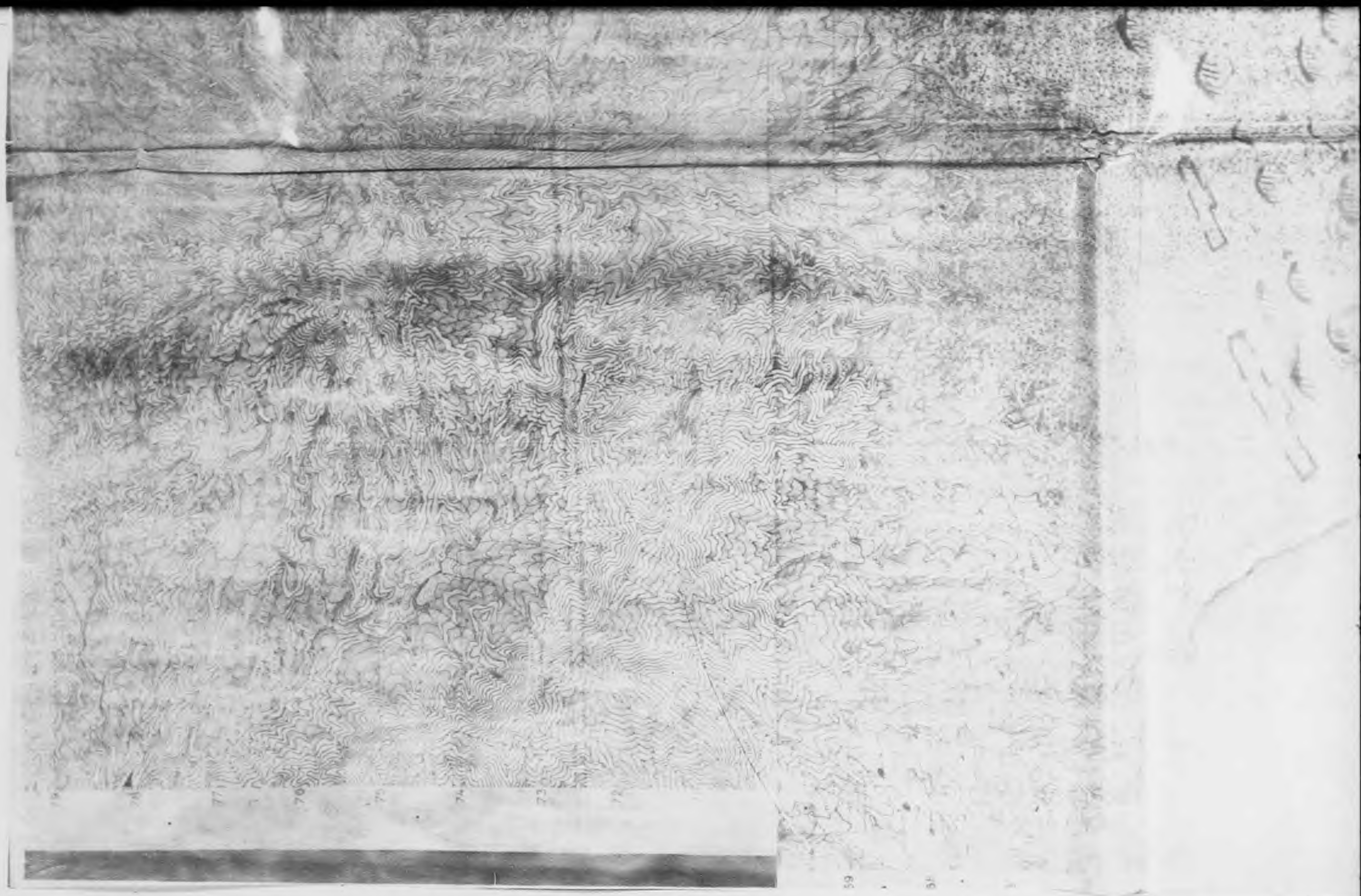
5TH
(REMAINING 1½ SQDNS
FROM SOUTHERN ARMY

10
REORGANIZED AS 4TH AIR CORPS)

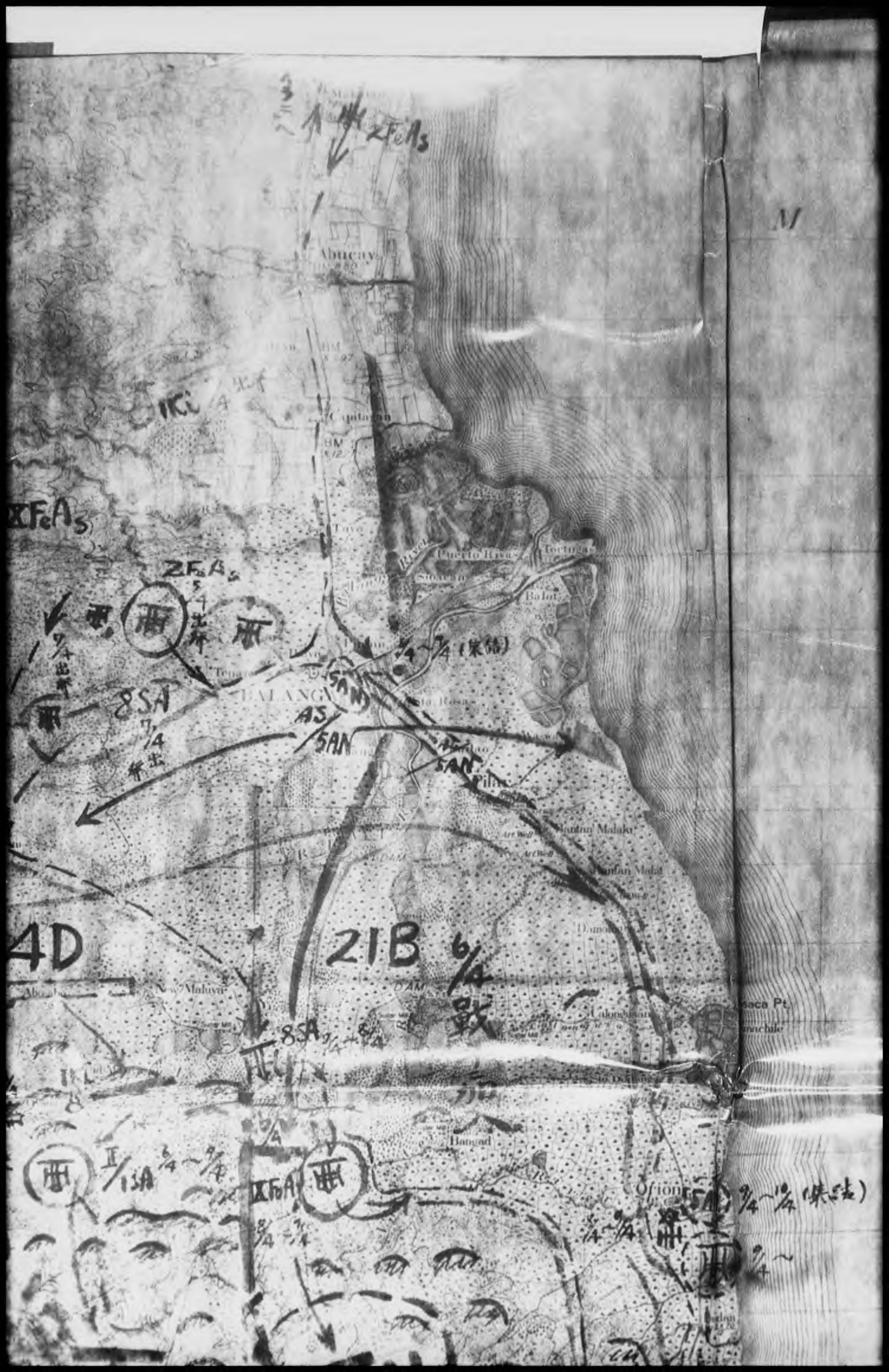
OUT TO SOUTHERN ARMY

= IN PHILIPPINES ~ NOT ON LUZON

DICATED ON THIS CHART ARE 2 INF.
THE VISAYAS AND 1 INF. BATTALION



16D
65B
22A


Abucay
Capitangan
Puerto Rivas
Bataan
Orion
Bagac
Dinalupihan
Maluya
Pilar
Balanga
Limay
Mariveles
Corregidor
Cabcaben
Lamao
Bagac
Orion
Abucay
Capitangan
Puerto Rivas
Bataan
Balanga
Limay
Mariveles
Corregidor
Cabcaben
Lamao
Bagac
Orion
Dinalupihan
Maluya
Pilar

M A N I L A

B A Y

Orion

[redacted]

M A N I L A

B A Y

Bangad

Orion

Pandan

Pandan Pt.

Bay

Cañas Pt.

Quinabasan Pt.

Aglolama or Luzon Pt.

Binunuan or Salabat Pt.

Guay Pt.

Quirapo Pt.

Sagang Pt.

Iboapo Pt.

Marivel

Talago Pt.

Los Cochinos

CORBERDOR ISLAND

CABALLO ISLAND

LA MONA ISLAND

North Pt.

Beach Pt.

Cape Corteboor

Rock Pt.

Sta. Amelia Rks

Morrison Pt.

Wheeler Pt.

Sharp Pt.

Bluff Pt.

Camp Pt.

Point

Bay

Cove

Creek

Island

Mountain

Hill

Rocks

Reef

Shoal

Channel

Anchorage

Light

Buoy

Beacon

Fathoms

Feet

Meters

Scale

Chart

Sheet

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Variation

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True

Latitude

Longitude

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Conformal

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Mariners

Navigation

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Office

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Geodetic

Survey

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D.C.

1:

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Statute Miles

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Volcanic

Earthquake

Epicenter

Fault

Trench

Ridge

Seamount

Guyot

Abyssal

Plain

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Continental

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Roadstead

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Mouth

River

Lake

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Snow

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Frozen

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Dune

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Cliff

Bluff

Headland

Point

Cape

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Isthmus

Island

Islet

Reef

Atoll

Lagoon

Barrier

Fringing

Coastline

Shoreline

Tidal

Flat

Estuary

Delta

Mangrove

Swamp

Forest

Jungle

Savanna

Grassland

Prairie

Steppe

Desert

Oasis

Mountain

Hill

Valley

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Gorge

Pass

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Peak

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Inner Core

Geoid

Ellipsoid

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Graticule

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Parallel

Equator

Prime Meridian

International Date Line

Time Zone

Universal Time

Local Time

Daylight Saving

Standard Time

Greenwich

Mean Time

Sidereal

Solar

Lunar

Tidal

Day

Month

Year

Century

Millennium

Era

Epoch

Period

Age

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Jasper

Agate

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Stoneware

Terracotta

Adobe

Rammed Earth

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Timber Frame

Post and Beam

Balloon Frame

Platform Frame

Log Cabin

Chinking

Daub

Thatch

Reed

Straw

Grass

Sod

Turf

Peat

Wood

Bamboo

Rattan

Cane

Wicker

Basket

Weave

Knot

Splice

Hitch

Bend

Rope

Cord

Twine

Thread

Yarn

Fiber

Natural

Synthetic

Nylon

Polyester

Acrylic

Rayon

Cotton

Linen

Hemp

Jute

Sisal

Flax

Wool

Silk

Leather

Fur

Hide

Skin

Pelt

Tanning

Curing

Smoking

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Butter

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Broth

Stock

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Consommé

Puree

Custard

Pudding

Cake

Pie

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Pastry

Dough

Batter

Yeast

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Brewing

Wine

Beer

Cider

Mead

Liquor

Whiskey

Rum

Vodka

Gin

Brandy

Cognac

Armagnac

Tequila

Mezcal

Sake

Soju

Baijiu

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Ouzo

Raki

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Digestif

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Sour

Bitter

Salty

Umami

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Palate

Finish

Body

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Viscosity

Density

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Hydrometer

Refractometer

Brix

Proof

ABV

Alcohol

Ethanol

Methanol

Fusel Oil

Congeners

Tannins

Phenols

Esters

Aldehydes

Ketones

Acids

Lactic

Acetic

Citric

Malic

Tartaric

Succinic

Propionic

Butyric

Valeric

Caproic

Caprylic

Capric

Lauric

Myristic

Palmitic

Stearic

Oleic

Linoleic

Linolenic

Arachidonic

Eicosapentaenoic

Docosahexaenoic

Omega-3

Omega-6

Omega-9

Saturated

Unsaturated

Monounsaturated

Polyunsaturated

Trans

Cis

Hydrogenated

Interesterified

Rancid

Oxidation

Antioxidant

Preservative

Additive

Emulsifier

Stabilizer

Thickener

Gelling Agent

Hydrocolloid

Agar

Gelatin

Pectin

Carrageenan

Alginate

Xanthan Gum

Guar Gum

Locust Bean Gum

Cellulose

Starch

Modified Starch

Maltodextrin

Dextrose

Fructose

Sucrose

Lactose

Maltose

Glucose

Monosaccharide

Disaccharide

Polysaccharide

Oligosaccharide

Glycemic Index

Glycemic Load

Insulin

Glucagon

Hormone

Endocrine

Exocrine

Gland

Pancreas

Liver

Kidney

Adrenal

Thyroid

Pituitary

Hypothalamus

Pineal

Thymus

Spleen

Lymph

Immune

Antibody

Antigen

Vaccine

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Fungus

Parasite

Protozoa

Helminth

Nematode

Cestode

Trematode

Arthropod

Insect

Arachnid

Crustacean

Mollusk

Annelid

Echinoderm

Chordate

Vertebrate

Invertebrate

Prokaryote

Eukaryote

Archaea

Eubacteria

Cyanobacteria

Algae

Plankton

Phytoplankton

Zooplankton

Bacterioplankton

Nekton

Benthos

Epibenthos

Infaunal

Meiofauna

Macrofauna

Megafauna

Microbial

Mat

Biofilm

Extremophile

Thermophile

Psychrophile

Halophile

Acidophile

Alkaliphile

Barophile

Piezophile

Radiotrophic

Chemosynthetic

Photosynthetic

Autotroph

Heterotroph

Mixotroph

Decomposer

Detritivore

Scavenger

Predator

Prey

Food Chain

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Secondary Consumer

Tertiary Consumer

Apex Predator

Keystone Species

Indicator Species

Invasive Species

Native Species

Endemic

Cosmopolitan

Habitat

Niche

Ecosystem

Biome

Biosphere

Ecology

Conservation

Biodiversity

Extinction

Endangered

Threatened

Vulnerable

Critically Endangered

Extinct in the Wild

Red List

IUCN

CITES

Protected Area

National Park

Marine Protected Area

Reserve

Sanctuary

Refuge

Wilderness

Restoration

Rewilding

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Bycatch

Discard

Quota

Catch Limit

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Gear Restriction

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Net

Trawl

Dredge

Longline

Gillnet

Purse Seine

Trap

Pot

Hook

Line

Rod

Reel

Bait

Lure

Fly

Spinner

Jig

Spoon

Plug

Crankbait

Soft Plastic

Worm

Grub

Crayfish

Minnow

Shad

Herring

Anchovy

Sardine

Mackerel

Tuna

Bonito

Marlin

Sailfish

Swordfish

Shark

Ray

Skate

Sturgeon

Salmon

Trout

Char

Whitefish

Grayling

Pike

Muskellunge

Perch

Walleye

Sauger

Bass

Sunfish

Crappie

Bluegill

Catfish

Bullhead

Carp

Goldfish

Koi

Tilapia

Cichlid

Killifish

Minnow

Darter

Sculpin

Goby

Blenny

Gunnel

Eel

Lamprey

Hagfish

Amphibian

Frog

Toad

Salamander

Newt

Caecilian

Reptile

Turtle

Tortoise

Terrapin

Lizard

Snake

Crocodilian

Alligator

Caiman

Gharial

Tuatara

Bird

Mammal

Monotreme

Marsupial

Placental

Rodent

Lagomorph

Insectivore

Bat

Primate

Lemur

Loris

Tarsier

Monkey

New World Monkey

Old World Monkey

Ape

Gibbon

Orangutan

Gorilla

Chimpanzee

Bonobo

Human

Hominid

Australopithecine

Homo

Neanderthal

Denisovan

Homo sapiens

Race

Ethnicity

Culture

Language

Family

Kinship

Descent

Lineage

Clan

Tribe

Band

Chiefdom

State

Empire

Nation

Nation-state

Sovereignty

Territory

Border

Boundary

Frontier

Colony

Metropole

Periphery

Core

Semi-periphery

World-system

Globalization

Trade

Commerce

Market

Currency

Money

Barter

Gift Economy

Reciprocity

Redistribution

Exchange

Capital

Labor

Land

Resource

Commodity

Good

Service

Production

Consumption

Distribution

Supply

Demand

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Utility

Scarcity

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Industrialization

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Seasonality

Anomaly

Outlier

Noise

Signal

Filter

Smoothing

Interpolation

Extrapolation

Time Series

Spatial

Geostatistics

Kriging

Variogram

Semivariogram

Nugget

Sill

Range

Anisotropy

Isotropy

Stationarity

Ergodicity

Markov

Chain

Monte Carlo

Bayesian

Frequentist

Likelihood

Maximum Likelihood

Estimator

Bias

Variance

Mean Squared Error

Cross-validation

Bootstrap

Jackknife

Permutation

Randomization

Blocking

Factorial

Fractional Factorial

Response Surface

Optimization

Gradient

Hessian

Newton

Quasi-Newton

Conjugate Gradient

Steepest Descent

Simplex

Nelder-Mead

Genetic Algorithm

Simulated Annealing

Particle Swarm

Ant Colony

Evolutionary

Neural Network

Deep Learning

Machine Learning

Artificial Intelligence

Natural Language Processing

Computer Vision

Robotics

Automation

Control

Feedback

Loop

Proportional

Integral

Derivative

PID

Transfer Function

Laplace

Fourier

Wavelet

Signal Processing

Image Processing

Pattern Recognition

Classification

Clustering

Dimensionality Reduction

Principal Component

Factor Analysis

Independent Component

Singular Value Decomposition

Eigenvalue

Eigenvector

Matrix

Tensor

Vector

Scalar

Linear Algebra

Calculus

Differential

Integral

Partial Differential Equation

Ordinary Differential Equation

Boundary Value Problem

Initial Value Problem

Finite Element

Finite Difference

Finite Volume

Spectral

Boundary Element

Meshless

Adaptive Mesh Refinement

Multigrid

Preconditioner

Krylov Subspace

Conjugate Gradient

GMRES

BiCGSTAB

Direct Solver

Iterative Solver

Sparse Matrix

Dense Matrix

Banded Matrix

Symmetric

Positive Definite

Hermitian

Unitary

Orthogonal

Diagonal

Triangular

Identity

Zero

Rank

Determinant

Trace

Norm

Condition Number

Singular

Ill-conditioned

Well-conditioned

Numerical Stability

Round-off Error

Truncation Error

Convergence

Divergence

Oscillation

Damping

Resonance

Frequency

Amplitude

Phase

Wavelength

Period

Harmonic

Fundamental

Overtone

Timbre

Pitch

Loudness

Duration

Rhythm

Tempo

Meter

Beat

Measure

Bar

Note

Rest

Chord

Scale

Key

Mode

Major

Minor

Interval

Consonance

Dissonance

Tension

Resolution

Cadence

Melody

Harmony

Counterpoint

Voice Leading

Orchestration

Instrument

String

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Brass

Percussion

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Oboe

Bassoon

Saxophone

Trumpet

Trombone

French Horn

Tuba

Drum

Cymbal

Timpani

Xylophone

Marimba

Vibraphone

Glockenspiel

Triangle

Tambourine

Snare

Bass Drum

Hi-hat

Conductor

Score

Part

Transposition

Clef

Treble

Bass

Alto

Tenor

Soprano

Mezzo-soprano

Baritone

Bass-baritone

Countertenor

Choir

Chorus

Opera

Aria

Recitative

Overture

Libretto

Composer

Librettist

Conductor

Orchestra

Ensemble

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Septet

Octet

Nonet

Duet

Trio

Solo

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Sonata

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Variation

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Augmentation

Diminution

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Basso Continuo

Figured Bass

Thorough-bass

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Cadenza

Ornamentation

Trill

Mordent

Turn

Grace Note

Appoggiatura

Acciaccatura

Glissando

Portamento

Vibrato

Tremolo

Pizzicato

Arco

Col Legno

Sul Ponticello

Sul Tasto

Harmonics

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Triple Stop

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Bowing

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Period

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Romantic

Baroque

Renaissance

Medieval

Modern

Contemporary

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Time Signature

Accidental

Sharp

Flat

Natural

Double Sharp

Double Flat

Enharmonic

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Relative Major

Relative Minor

Parallel Major

Parallel Minor

Dominant

Subdominant

Tonic

Supertonic

Mediant

Submediant

Leading Tone

Secondary Dominant

Diminished

Augmented

Seventh

Ninth

Eleventh

Thirteenth

Suspension

Passing Tone

Neighbor Tone

Anticipation

Pedal Point

Organ Point

Drone

Open Fifth

Power Chord

Blues

Jazz

Swing

Bebop

Cool Jazz

Hard Bop

Modal Jazz

Free Jazz

Fusion

Latin Jazz

Bossa Nova

Samba

Rumba

Tango

Salsa

Merengue

Reggae

Ska

Rocksteady

Dub

Hip Hop

Rap

Turntablism

Sampling

Looping

Beatboxing

Breakdance

Graffiti

Rock

Punk

Metal

Grunge

Alternative

Indie

Pop

Folk

Country

Bluegrass

Gospel

Soul

R&B

Funk

Disco

House

Techno

Trance

Dubstep

Drum and Bass

Ambient

Chillout

Downtempo

Trip Hop

Electronica

Industrial

Noise

Experimental

World Music

Ethnomusicology

Folklore

Mythology

Religion

Ritual

Ceremony

Festival

Holiday

Calendar

Lunar Calendar

Solar Calendar

Luni-solar Calendar

Gregorian Calendar

Julian Calendar

Hebrew Calendar

Islamic Calendar

Hindu Calendar

Buddhist Calendar

Chinese Calendar

Mayan Calendar

Aztec Calendar

Inca Calendar

Egyptian Calendar

Roman Calendar

Greek Calendar

Celtic Calendar

Norse Calendar

Germanic Calendar

Slavic Calendar

Japanese Calendar

Korean Calendar

Vietnamese Calendar

Thai Calendar

Khmer Calendar

Burmese Calendar

Tibetan Calendar

Mongolian Calendar

Turkish Calendar

Persian Calendar

Afghan Calendar

Indian Calendar

Nepalese Calendar

Sri Lankan Calendar

Maldivian Calendar

Bengali Calendar

Tamil Calendar

Telugu Calendar

Kannada Calendar

Malayalam Calendar

Gujarati Calendar

Marathi Calendar

Punjabi Calendar

Sikh Calendar

Jain Calendar

Zoroastrian Calendar

Baha'i Calendar

Coptic Calendar

Ethiopian Calendar

Eritrean Calendar

Somali Calendar

Swahili Calendar

Yoruba Calendar

Igbo Calendar

Hausa Calendar

Akan Calendar

Ewe Calendar

Fon Calendar

Zulu Calendar

Xhosa Calendar

Sotho Calendar

Tswana Calendar

Shona Calendar

Ndebele Calendar

Malagasy Calendar

Berber Calendar

Tuareg Calendar

Amazigh Calendar

Kabyle Calendar

Chaouia Calendar

Riffian Calendar

Tamazight Calendar

Tifinagh

Arabic

Hebrew

Aramaic

Syriac

Phoenician

Ugaritic

Cuneiform

Sumerian

Akkadian

Babylonian

Assyrian

Elamite

Hittite

Luwian

Lycian

Carian

Lydian

Phrygian

Etruscan

Latin

Greek

Coptic

Gothic

Runic

Old English

Middle English

Modern English

French

Spanish

Portuguese

Italian

Romanian

Catalan

Occitan

Provençal

Gascon

Basque

Celtic

Irish

Scottish Gaelic

Welsh

Breton

Cornish

Manx

Germanic

German

Dutch

Flemish

Afrikaans

Yiddish

Frisian

Scots

Low German

Plattdeutsch

Luxembourgish

Swiss German

Alsatian

Pennsylvania Dutch

Norwegian

Swedish

Danish

Icelandic

Faroese

Slavic

Russian

Ukrainian

Belarusian

Polish

Czech

Slovak

Slovene

Croatian

Serbian

Bosnian

Montenegrin

Macedonian

Bulgarian

Rusyn

Kashubian

Sorbian

Baltic

Lithuanian

Latvian

Old Prussian

Finno-Ugric

Finnish

Estonian

Hungarian

Sami

Mordvin

Mari

Udmurt

Komi

Khanty

Mansi

Nenets

Enets

Nganasan

Selkup

Turkic

Turkish

Azerbaijani

Kazakh

Kyrgyz

Uzbek

Turkmen

Uyghur

Tatar

Bashkir

Chuvash

Yakut

Tuvan

Khakas

Altai

Shor

Karachay-Balkar

Kumyk

Nogai

Crimean Tatar

Gagauz

Mongolic

Mongolian

Buryat

Kalmyk

Oirat

Dagur

Monguor

Tu

Dongxiang

Yugur

Tungusic

Manchu

Evenki

Even

Nanai

Ulch

Orok

Udege

Oroqen

Sibe

Jurchen

Korean

Japonic

Japanese

Ryukyuan

Sino-Tibetan

Chinese

Mandarin

Cantonese

Wu

Min

Hakka

Gan

Xiang

Jin

Hui

Pinghua

Tibetic

Tibetan

Dzongkha

Ladakhi

Sherpa

Tamang

Gurung

Magar

Newar

Limbu

Rai

Kiranti

Lepcha

Bhutia

Sikkimese

Tshangla

Brokpa

Monpa

Takpa

Sulung

Bugun

Miji

Aka

Hruso

Nyishi

Apatani

Tagin

Galo

Adi

Mishmi

Idu

Taraon

Digaru

Meyor

Zakhring

Tangsa

Nocte

Wancho

Singpho

Khamti

Tai-Kadai

Thai

Lao

Shan

Tai Lue

Tai Nuea

Tai Dam

Tai Khao

Tai Yo

Phu Thai

Saek

Nyaw

Lue

Khuen

Yong

Phuan

Lao Isan

Lao Wiang

Lao Nam Tha

Lao Phuan

Lao Loum

Lao Theung

Lao Soung

Austroasiatic

Vietnamese

Khmer

Mon

Nicobarese

Khasi

Palaung

Wa

Blang

Kammu

Lamet

Khmu

Mlabri

Htin

Bahnar

Sedang

Jeh

Halang

Katu

Pacoh

Ta-oi

Nyaheun

Brao

Kuy

Suoi

Mang

Muong

Thavung

Chut

Arem

Maleng

Rmeet

Sapuan

Semelai

Temiar

Jahai

Mendriq

Bateq

Kensiu

Kintaq

Lanoh

Semaq Beri

Temoq

Temuan

Orang Asli

Austronesian

Malay

Indonesian

Javanese

Sundanese

Madurese

Balinese

Sasak

Minangkabau

Acehnese

Batak

Toba Batak

Karo Batak

Simalungun Batak

Pakpak Batak

Dairi Batak

Angkola Batak

Mandailing Batak

Nias

Mentawai

Lampung

Rejang

Lembak

Serawai

Enggano

Kerinci

Pekal

Bengkulu Malay

Jambi Malay

Palembang Malay

Riau Malay

Kutai

Banjar

Ngaju

Ot Danum

Iban

Kadazan-Dusun

Murut

Bisaya

Tausug

Sama-Bajau

Yakan

Maranao

Maguindanao

Iranun

Kalagan

Tagakaulo

Sangir

Talaud

Gorontalo

Mongondow

Tolaki

Buginese

Makassarese

Mandar

Toraja-Sa'dan

Muna

Buton

Wolio

Bimanese

Sumbawa

Manggarai

Ngadha

Lio

Sikka

Endenese

Kedang

Lamaholot

Tetum

Fataluku

Makasae

Kemak

Bunak

Atoni

Rotinese

Sawunese

Helong

Kupang Malay

Alor-Pantar

Abui

Kamang

Klon

Blagar

Adang

Wersing

Kabola

Kui

Kula

Kolana

Tanglapui

Western Oceanic

Fijian

Rotuman

Tongan

Niuean

Samoan

Tokelauan

Futunan

Wallisian

Uvean

Rennellese

Sikaiana

Kapingamarangi

Nukuoro

Tuvaluan

Nukulaelae

Nanumea

Nanumanga

Gilbertese

Marshallese

Ralik

Ratak

Kosraean

Nauruan

Yapese

Ulithian

Woleaian

Trukese

Puluwatese

Mortlockese

Pohnpeian

Mokilese

Ngatikese

Pingelapese

Kapingamarangi

Nukuoro

Chuukese

Carolinian

Chamorro

Palauan

Tobian

Ngaraard

Ngarchamogl

Ngiwal

Ngeremlengui

Koror

Peleliu

Angaur

Sonsorol

Tobi

Hatohobei

Kayan

Kenyah

Penan

Punan

Melanau

Kelabit

Lun Bawang

Sa'ban

Berawan

Kajang

Lahanan

Punan Merah

Punan Tubu

Punan Batu

Punan Aput

Punan Bah

Punan Kelai

Punan Merap

Punan Tepu

EXHIBIT B

Offered - but not Accepted

COMMONWEALTH OF THE
PHILIPPINES

S.S.

CITY OF MANILA

AFFIDAVIT

I, DR. [redacted], United Nationals previously, dealing philippine islands, being first duly sworn upon oath depose and say,

That on December 7, 1941, I was practicing medicine at Negros, Philippine Islands. On December 27, 1941, Negros was surrendered to the Japanese and on or about January 30th, 1942, I was summoned before the Japanese officers and advised that I was being appointed city medical officer. They instructed me to give medical attention and ministration to all local civilians interned by the Japanese in that city. I made daily visits to Bread Island and Cadiz View Hotel, where these persons were interned, and was permitted to use all medical supplies which were left in the city at the time of the surrender.

Because I was an American national, I was not interned until on or about January 31, 1942, when the Japanese took me into custody at Cadiz View City for being "too friendly with the Americans."

I was interned in Camp John Hay Club and here until about December 1942, when all the internees, including those like me, women, and children, were transferred to Camp Holmes, about 12 kilometers from Baguio. At this location, the Japanese incarcerated the internees in bracks. Thereafter, I was interned with this group at Camp Holmes until January, 1945, when I was released through the efforts of the Philippine section of the Japanese Foreign Office.

While in internment, we were permitted to organize and to whatever we could to improve our conditions. There we had about 25 physicians and a number of nurses. I was assigned only part of the time with my duties as dispensary doctor, and also served as camp librarian. We were very short of medical supplies, and it was difficult to appeal to the philippine Red Cross since its leaders had fled to the mountains, and it was practically non-existent. But Green supplies were furnished prior to Dec. 1942, by a Filipino physician. We were warned to keep the camp area clean, and in order to improve its, we put in a sanitary system under the supervision of one of the internees who was an engineer.

The officer in charge of the camp was one [redacted], a Japanese intelligence investigator educated at Harvard University. We allowed internees to bring any complaints to him, and it was my experience that he made every effort to be humane.

men and women were questioned separately and were permitted to mingle as the tennis court game a week. Only husbands and wives were permitted to visit there. If one question a juror and the court holding he is not subscribing one of the jurors may be was severely hurt by the court for this interference of the court. He believes he is safe in his ver as a result of this meeting. This was the only instance of improper race to an interview by the defendants that I am during or interrupted.

To the best of my knowledge and belief, the women interviews were humanely treated, and were never subjected by the interview guards.

On one occasion, the interviewee was escorted and deprived of virtually all light away to the manager of the Camp Fleming Officer, one to or more hood. It was said that this occurred due to an incident for the interview. To the best of my knowledge and belief, only suggestion was administered by agents to the rank of a private and imprisoned for one year at port Leavings as the result of a court-martial.

Affiant further saith not.

/s/ [illegible]

Sworn to and subscribed to before me this 2 day of February, 1946.

/s/ [illegible]

[redacted]

General Headquarters
Supreme Commander for the Allied Powers
Legal Section

27 January 1949

Jose P. LAUREL, Filipino civilian, after having been duly sworn, states through interpreter and says that the statement following hereunto is the truth to the best of his knowledge.

That I have known Salvador Abad Santos since [redacted] I have associated with him on many occasions. That on or about May, 1942, when the Japanese Army entered Cebu, Philippine Islands, it was published in the Manila newspapers that Jose Abad Santos, Associate Justice of the Philippine Supreme Court, had been executed by the Japanese. Jose Abad Santos having been a Justice of the Supreme Court and also an associate of mine in the public service, I was deeply concerned with his welfare, and determined to do my best in his behalf. Since I could not write, Salvador Abad Santos, brother of Associate Jose Abad Santos, visited me and requested that I intercede in behalf of his brother, Jose Abad Santos.

Approximately one of two weeks after the publication of the murder of Jose Abad Santos, I was invited by General Homma to attend a party at the Manila Hotel. I thought this would be an excellent opportunity to approach General Homma in behalf of Jose Abad Santos. I took occasion to speak to General Homma, because it was otherwise very difficult to obtain an interview with the Japanese Commander-in-Chief. When I spoke to General Homma in reference to Jose Abad Santos, I could not ascertain his reaction, whether hostile or sympathetic. However, General Homma did say that the Japanese were bitter against Jose Abad Santos. General Homma showed interest when I told him of Jose. He referred me to General Kayami. He also stated that he would investigate the matter. At no time did I have the opportunity to also intercede on behalf of General Selga, who was also a prisoner of the Japanese at Cabanatuan, P.I.

A few days later Mr. Enrigue and myself visited General Kayami. After we had glanced at copies of General Homma and Mr. Santos, General Kayami said he would send a special representative to the south to investigate into the matter. In approximately a week or ten days, Mr. Enrigue and myself returned to General Kayami to further inquire as to what could be done to aid General Homma and Mr. Santos. At that time General Kayami stated that it was already too late to do anything, in that both General Homma and Mr. Santos had been executed. After having been given this information by Kayami, I felt that it would be useless to take up the matter with General Homma again.

Almost immediately thereafter, I informed Mr. Salvador Abad Santos and his brother, Alfredo, and also General Selga's brother, Alberto Selga, in order to inform them of the results of my interview with Kayami. They were reluctant to believe this information.

I do not remember having told Salvador Abad Santos that General Homma had signed the death warrant for Jose Abad Santos. I do not know whether General Homma had approved the execution or signed the death warrant, but it was reported

[redacted]

[illegible] I might have mentioned to Mr. Salvador Abut [illegible] and solicited to make effective the conference with General Ingwell. It was not [illegible] this to [illegible] that [illegible] and [illegible] but [illegible]. This information was given to me by General Ingwell.

/s/ [illegible]

[illegible]:

/s/ [illegible]
/t/ [illegible]
[illegible]

[illegible]

jhh/mm

[illegible]

Before me, a person duly authorized to administer oaths, Frank Jack F. Lerrel, Sergeant, A.S.C., who made the above depositions voluntarily and without coercion or offer of benefit, on this 29th Day of January 1948 at Sugamo Prison, Tokyo, Japan, and after having read the aforementioned deposition herein above referred to, did voluntarily subscribe to its contents after having been cautioned that the facts herein above stated are true to the best of his knowledge.

/s/ Harry N. Daugherty,
/t/ Robert A. McDermott,
Major, Inf. (Arm'd)
Adjutant.

CERTIFIED TRUE COPY:

/s/
/t/ [illegible]
[illegible]
[illegible]

- 3 -

[illegible]

pmf/—

[redacted]

Colonel [redacted]
Supreme Commander for the Allied Powers
Legal Section

27 January 1946

Benigno S. Aquino, Filipino Civilian, after having been duly sworn at Ongpin Prison, hereby deposes and says that the statement following hereunder is the truth to the best of his knowledge.

That I have known Jose Abad Santos since our childhood. He is a distant relative of mine.

That on or about May 1942, I remember reading in the manila newspapers about the capture of Jose Abad Santos in Cebu. Colonel Abad Santos did not speak to me in reference to an intercession on behalf of his brother Jose Abad Santos. A few days after I read about the capture of Jose Abad Santos, the members of the Executive Commission under the Japanese were invited to attend a luncheon at the Manila Hotel. Each member of the Commission was worried and interested in the fate of Jose Abad Santos. I sat at Mr. Laurel at this luncheon, and during our conversation, I learned that he had already spoken to General Kuroki about Mr. Santos. I had also intended speaking to the military authorities in order to intercede on behalf of Mr. Santos. When Mr. Laurel told me that Gen. Kuroki had advised him to approach Gen. Hayashi in regard to the matter, we decided to speak to Gen. Hayashi together, and appeal for Mr. Santos. We had an interview with Gen. Hayashi after the luncheon, and the General said that at that time he could do nothing, but that he would send an investigator to report on the matter. A few days later, Mr. Laurel and I returned to Gen. Hayashi and were told that nothing more could be done, since Mr. Santos had already been executed.

I transmitted this information to the members of the Executive Commission; but I still would not believe that Jose Abad Santos had been executed. I had also received private information that Mr. Santos was still alive in Cebu. Therefore, I returned to Gen. Hayashi about a week later, told him I had information that Mr. Santos was still alive in Cebu, and requested transportation to Cebu in order to definitely ascertain that Mr. Santos was dead. Gen. Hayashi told me that a Japanese Officer was due to arrive from Cebu that day, who would be able to give us full information as to the fate of Jose Abad Santos. The next day I received a telephone call from Gen. Hayashi's office telling me that Lt. Col. Kawakami had arrived and was staying at the Manila Hotel. I was informed that Kawakami would be able to give us full information about Mr. Santos.

The following day I went to the Manila Hotel to see Lt. Col. Kawakami. I was accompanied by Mr. Rafael J. Alunan, then Secretary of Agriculture and Commerce. After luncheon with Kawakami, he told us that Mr. Santos was already dead; that he tried to withhold the execution of Mr. Santos, in the hope that Mr. Santos would cooperate with the Japanese; that Mr. Jose Abad Santos said he could not give any promise of cooperation unless he first conferred with Mr. Quezon or Mr. Vargas. Then Kawakami stated that "because Mr. Santos said he could not cooperate until he had conferred with Mr. Quezon or Mr. Vargas, I was to tried to deceive me and that he is a bad man. Therefore I ordered that the writ of execution be carried out."

Since it was very difficult to believe that Chief Justice Jose Abad Santos had been executed, both Mr. Alunan and I asked Lt.

[redacted]

EXCERPTS

Col. Howland, "Do you care to say, Colonel, that Chief Justice Warren has already been accurately" He said, "Yes". Lt. Col. Howland was the Director-General of the Military Administration in Cuba at that time.

/s/ Penelope S. Ayala
/s/ Penelope S. Ayala

Before me, a person duly authorized to administer oaths, came Penelope S. Ayala, deponent, a person known to me, who made the above deposition voluntarily and without coercion or offer of benefit, on this 29th day of January 1966 at Laguna Niguel, County, Orange, and after having read the aforementioned deposition consisting above referred to, did voluntarily subscribe his name thereto after having taken oath that the facts herein stated are true to the best of his knowledge.

/s/ Henry J. Hendrix
/s/ Henry J. Hendrix
Major, Inf. (Ret'd)
Affiant.

Certified true copy:

/s/ Lawrence Speiser
/s/ Lawrence Speiser
Maj. Jag. USAR

[illegible]

[redacted]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

together with supported articles, receipts, diaries, and inventories.

Art 23. Commanders of camps or independent divisions shall promptly report to Imperial General Headquarters the number of prisoners of war which they receive or send to the camp. Imperial General Headquarters shall inform the Ministry of War thereof.

Art 24. When the Ministry of War is in receipt of the information mentioned in the foregoing article 23, it shall report to the Imperial General Headquarters the port or other location where the reception of prisoners of war will be effected. Imperial General Headquarters shall inform the Ministry of War regarding the expected date of arrival at the designated point.

The same procedure shall be followed when the Ministry of War has been informed regarding the reception of prisoners taken by the Navy.

Art 27. Lines of communication commands and transport and communication organizations which in accordance with Arts 23 & 24 have accepted prisoners of war shall transport said prisoners of war under guard to the location(s) mentioned in the next foregoing article and shall there transfer said POW together with supported articles in order, as diary and inventories to the custody of the officer of the War Ministry charged with reception.

Art 28. When an Imperial General Headquarters is established, 'Imperial General Headquarters' in this chapter shall be taken to read 'General Staff Headquarters'.

Chapter III. The accommodation and Control of prisoners of war.

Art 29. (Omitted)

Art 30. For prisoners of war accommodation, army establishments, temples or other buildings which suffice to prevent escape and are not be detrimental to the health and honor of the prisoners, shall be utilized.

Art 31. The army commander or garrison area commander under whose jurisdiction comes the administration of prisoners of war camps (hereinafter to be referred to as the Chief Administrator of PW camps) shall determine 'regulations concerning PW camp duties' and shall make a report thereof to the Minister of War and duly inform the Director General of the PW camp duties' and shall make a report thereof to the Minister of War and duly inform the Director General of the PW Information Bureau.

Art 32. (Omitted)

Art 33. (Omitted)

Art 34. (Omitted)

Art 35. (Omitted)

Art 36. Insofar as mail sent and received by prisoners of war is, by international treaty, exempted from postage fees, the Chief Administrator of PW camps shall confer with the Post Office in the vicinity of the PW accommodation

and shall determine a suitable procedure for the handling of postal matters.

Art 27. Rules and regulations concerning control within PW camps shall be determined by the High Administrator.

Chapter IV. Miscellaneous Rules

Art 28. Those enemy sick and wounded who after medical treatment at dressing stations or hospitals, are considered incapable of military service shall, after due process not to serve in the same war, be returned to their homes. However, those who have important relations with the conduct of the war are not included in this.

Art 29. Articles belonging to the prisoners of war and held in deposit by Imperial Government offices shall be restored to their possession at the time of their release.

Art 30. In case of the death of a prisoner of war, the money and possessions of the deceased shall be sent to the Prisoner of War Information Bureau by the unit, organization, hospital or dressing station concerned. When the belongings are of a perishable nature, such shall be sold and the proceeds of the sale shall be forwarded instead.

Art 31. The last will or testament of a deceased prisoner of war shall be handled in the same way as that of Japanese military personnel by the unit, organization, hospital or dressing station concerned, and shall be duly forwarded to the Prisoner of War Information Bureau.

Art 32. (Deleted)

Art 33. Direct welfare activities for the benefit of prisoners of war by organizations, legally established for charitable purposes may be permitted on submittal of a written pledge to the effect that no infractions or violations of the rules and regulations concerning prisoners will be made.

Certified true copy

/s/ Lawrence Gaitonde
/t/ LAWRENCE GAITONDE
1st Lt., CAC

[redacted]

U. S. A. vs MASAHARU HOMMA
PROSECUTION
EXHIBIT No. H

I

GENERAL HOSPITAL SECTION
WATARI UNIT (14TH ARMY)
January, 1945 to August, 1945

Date of Verdict	Crime	Sentence	Date of Indictment	Charge(s)	Penalty Demanded	Detention period	Name & Rank
18 Jan 45	Bodily injury and illegal intrusion	10 mo	14 Jan 45	Bodily injury and illegal intrusion	1 yr	7 da	Ishimi Kiyoshito, Sgt. Maj.
27 Jan 45	Robbery	1 yr 6 mo	20 Jan 45	Robbery	1 yr 6 mo	6 da	Masamichi Chigari, civ'n.
27 Jan 45	Rape	2 yr 6 mo	24 Jan 45	Rape	2 yr 6 mo	11 da	Yenichi Oda, P/pvt.
27 Jan 45	Rape & illegal intrusion	3 yr	24 Jan 45	Rape & illegal intrusion	3 yr	11 da	Keimo Takano, P/Cpl.
27 Jan 45	Rape	3 yr	20 Jan 45	Rape	3 yr	11 da	Umeyoshi Ishihara, P/pvt.
27 Jan 45	Rape	3 yr	20 Jan 45	Rape	3 yr	11 da	Nagaaki Matsumoto, Pfc.
27 Jan 45	Illegal intrusion	6 mo	24 Jan 45	Illegal intrusion	1 yr	10 da	Umeyoshi Morimaki, P/Cpl.
10 Feb 45	Murder	15 yr	6 Feb 45	Murder & attempted murder	15 yr	25 da	Kosuke Histe, Sgt.
10 Feb 45	Rape & illegal intrusion	3 yr 6 mo	31 Jan 45	Rape & illegal intrusion	3 yr 6 mo	25 da	Heiji Suzuki, Pfc.
10 Feb 45	Rape & illegal intrusion	3 yr 6 mo	31 Jan 45	Rape & illegal intrusion	3 yr 6 mo	22 da	Shozo Fujita, Pfc.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Junichi Koike, Cpl.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Koichi Nagashi, P/pvt.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Heiji Sasai, P/pvt.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Yoshikazu Nakano, P/pvt.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Kiichi Nakimura, P/pvt.
10 Feb 45	Rape & illegal intrusion	4 yr	31 Jan 45	Rape & illegal intrusion	4 yr	22 da	Hisao Matsura, Pfc.
10 Feb 45	Rape & illegal intrusion	3 yr	31 Jan 45	Rape & illegal intrusion	3 yr	22 da	Shiojiro Nakayama Pfc.

Date of Verdict	Crime	Sentence	Date of Indictment	Charge(s)	Penalty Requested	Detention Period	Name & Rank
10 Feb 46	Rape	5 yr	31 Jan 46	Rape	5 yr	10 da	Kazuo Shiraoka, S/prt.
26 Mar 46	Fraud	1 yr 6 mo	4 Feb 46	Fraud	1 yr 6 mo	38 da	Kazuyo Kinoshya, Civ'n.
26 Mar 46	Fraud (2 years extention of imprisonment)	1 yr	4 Feb 46	Fraud	1 yr	38 da	Yohei Hashimoto, Civ'n
15 Mar 46	Rape & illegal intrusion	3 yr 6 mo	10 Mar 46	Rape & illegal intrusion	3 yr 6 mo	43 da	Tsuishoni Watari, S/prt.
15 Mar 46	Rape & illegal intrusion	3 yr 6 mo	10 Mar 46	Rape & illegal intrusion	3 yr 6 mo	43 da	Seishi Iwaba, Pfc.
15 Mar 46	Rape & illegal intrusion	4 yr 6 mo	31 Jan 46	Rape & illegal intrusion	4 yr 6 mo	25 da	Tomoshoni Katayama Pfc.
15 Mar 46	Rape	5 yr 6 mo	5 Mar 46	Rape	5 yr 6 mo	23 da	Furuzoki Buoji, Pfc.
15 Mar 46	Rape	5 yr 6 mo	5 Mar 46	Rape	5 yr 6 mo	36 da	Yoshiharu Hortomi, Pfc.
19 Mar 46	Rape	5 yr 6 mo	5 Mar 46	Rape	5 yr 6 mo	25 da	Yoshiki Miyazaki, Pfc.
15 Mar 46	Rape & illegal intrusion	5 yr 6 mo	10 Mar 46	Rape & illegal intrusion	5 yr 6 mo	37 da	Kiyoharu Katayama S/prt.
15 Mar 46	Rape & illegal intrusion	5 yr 6 mo	10 Mar 46	Rape & illegal intrusion	5 yr 6 mo	37 da	Masayoshi Tanikawa, Pfc.
15 Mar 46	Destruction of military properties desertion in war time	1 yr 4 mo	6 Mar 46	Destruction of military properties desertion in war time	1 yr 4 mo	28 da	Minoru Fuji, Pfc.
15 Mar 46	Robbery	1 yr 2 mo	6 Mar 46	Robbery	1 yr 2 mo	46 da	Nagato Naba, S/prt.
15 Mar 46	Desertion in war time	8 mo [non-finement]	10 Mar 46	Desertion in war time	8 mo	37 da	Isamoi Saiba, Pfc.
15 Apr 46	Violation of Forbidden Zone Law	50 yen	10 Mar 46	Violation of Forbidden Zone Law	50 yen	-	Tomohiko Nahijima, S/prt.
27 Apr 46	Rape & illegal intrusion	6 yr	26 Apr 46	Illegal intrusion, Rape & Attempted Rape	6 yr	28 da	Takuji Arika, Cary.
27 Apr 46	Rape, Robbery and illegal intrusion	6 yr 6 mo	26 Apr 46	Illegal intrusion Attempted Rape, Robbery	6 yr 6 mo	28 da	Sengyo Kaneiwa, S/prt.
27 Apr 46	Rape & illegal intrusion	5 yr 6 mo	26 Apr 46	Illegal intrusion Rape	5 yr 6 mo	28 da	Hiroo Sugawara, S/prt.

- Page Two -

Date of Verdict	Crime	Sentence	Date of Infliction	Charge(s)	Penalty Sentenced	Imposed	Name & Rank
27 Apr 42	Rape & Illegal Intrusion	6 yr 6 mo	26 Apr 42	Illegal intrusion & Rape & Attempted rape	6 yr 6 mo	26 da	Hyongsuo Chaiso, S/Sgt.
27 Apr 42	Rape	5 yr 6 mo	26 Apr 42	Rape	5 yr 6 mo	26 da	Yoshio Saito, Pfc.
27 Apr 42	Rape & Illegal Intrusion	6 yr 6 mo	26 Apr 42	Illegal intrusion & rape & Attempted rape	6 yr 6 mo	— do	Tomeo Ishii, Pfc.
27 Apr 42	Rape, Robbery & Illegal intrusion	6 yr	26 Apr 42	Illegal intrusion & Attempted rape & Robbery	6 yr	26 da	Tsuiyei Uniyamagi, Pfc.
27 Apr 42	Rape	5 yr 6 mo	26 Apr 42	Rape	5 yr 6 mo	26 da	Ko'shio Ajiri, Pfc.
27 Apr 42	Rape & Illegal Intrusion	6 yr	26 Apr 42	Illegal intrusion & Rape, shooting of rape & Attempted rape	6 yr	26 da	Shiro Sugano, Pfc.
27 Apr 42	Attempted rape & Illegal intrusion	4 yr	26 Apr 42	Attempted rape & Illegal intrusion	4 yr	42 da	Shizuto Takeuchi, 1/Sgt.
27 Apr 42	Rape & Illegal intrusion	4 yr	26 Apr 42	Attempted rape & Illegal intrusion	4 yr	42 da	Hiroyuki Kawasaki, S/Sgt.
27 Apr 42	Murder, robbery, attempted rape & Illegal intrusion	15 yr	26 Apr 42	Murder, robbery, Illegal intrusion & attempted rape	15 yr	42 da	Hisaaka Miasao, S/Sgt.
27 Apr 42	Attempted Murder, insult of superior officer and illegal opened of confidential letter.	15 yr	6 Apr 42	Attempted Murder, insult of superior officer and illegal opened of confidential letter.	15 yr	44 da	Hiroshi Furukawa, F/Sgt.
Apr 42	Insulting of Superior officer	3 yr	15 Apr 42	Openly insult to the upper officer and insulting at the face.	3 yr	47 da	Isaru Yamamoto, S/Sgt.
27 Apr 42	Rape, Illegal Intrusion while on duty.	5 yr	25 Mar 42	Rape, illegal Intrusion while on duty.	5 yr	33 da	Takashi Tokuyama, Sergt.
27 Apr 42	Rape, Illegal Intrusion while on duty.	6 yr	25 Mar 42	Rape, attempted rape, illegal intrusion, got away from his post without reason while on duty.	6 yr	33 da	Toshio Yamaru, S/Sgt.

Date of Verdict	Crime	Sentence	Date of Indictment	Charge(s)	Penalty Demanded	Detention Period	Name & Rank
				(usurpation)			Civ'n.
27 May 42	Accessory to robbery(co-principal of robbery)	30 yen	8 mo22 May 42	Accessory to robbery, co-principal of robbery	30 yen	8 mo 90 da	Kishihide Matahara, Civ'n.
27 May 42	Robbery and illegal intrusion	1 yr	4 mo22 May 42	Robbery & illegal intrusion	1 yr4 mo	90 da	Sadayoshi Miyazaki rfv.
27 May 42	Robbery	1 yr	27 May 42	Robbery	1 yr	90 da	Tsuisasa Hajiri, S/pvt.
27 May 42	Illegal possession of lost property		4 mo22 May 42	Illegal possession of lost property	4 mo	90 da	Takeo Nakase, S/pvt.
27 May 42	Robbery & illegal intrusion	1 yr	4 mo22 May 42	Robbery & illegal intrusion	1 yr4 mo	90 da	Yoshio Kinoshita, S/pvt.
27 May 42	Robbery and illegal intrusion	1 yr	8 mo22 May 42	Robbery and illegal intrusion	1 yr8 mo	90 da	Hiroshi Matsumoto, S/pvt.
27 May 42	Co-principal of robbery (Pilfered Property)		6 mo22 May 42	Co-principal of Robbery (Pilfered Property)	6 mo	90 da	Isao Matsumoto, S/Sgt.
27 May 42	Robbery, illegal intrusion	3 yr	22 May 42	Robbery & illegal intrusion	3 yr	90 da	Yasuo Daugami, Civ'n.
27 May 42	Robbery & illegal intrusion	3 yr	22 May 42	Robbery and illegal intrusion	3 yr	90 da	Kyusuke Uyehara, Civ'n.
27 May 42	Robbery & illegal intrusion	2 yr	22 May 42	Robbery and illegal intrusion	2 yr	71 da	Jun Ogkai S/pvt.
27 May 42	Robbery and illegal intrusion	2 yr	22 May 42	Robbery and illegal intrusion	2 yr	71 da	Seishi Kasaguchi, Pfc.
27 May 42	Robbery & illegal intrusion	2 yr	22 May 42	Robbery and illegal intrusion	2 yr	71 da	Kashiwo Tsuchikawa, S/pvt.
27 May 42	Violence against the sentry		3 mo 2 May 42	Violence against the sentry.	3 mo		Takuma Fujita, 1st Lt.
27 May 42	Robbery, fraud and illegal intrusion	3 yr	5 May 42	Robbery, fraud and illegal intrusion	3 yr	68 da	Yasuji Shiragi, Civ'n.
27 May 42	Robbery	1 yr	6 mo17 May 42	Robbery	1 yr6 mo	61 da	Shinsho Yasugi, Civ'n.

- Page Five -

Date of Verdict	Crime	Sentence	Date of Enforcement	Charge(s)	Penalty Executed	Detention Period	Name & Rank
27 Sep 45	Do	1 yr 6 mo	17 Sep 45	do	1 yr 6 mo	61 da	Miyo Kanashiro, Civ't.
28 Jun-45	Desertion of war time (Imprisonment of military property)				1 yr 6 mo		Nakasuke Jo, Pfc.
26 Jun45	Insulted superiority (Refused not to the guard)				3 mo		Takaichi Kaneda, Pfc.
25 Jun45	Illegal possession of captured cook				6 mo		Akira Kosuk, 1st Sgt.
25 Jun45	Do				6 mo		Keichi Ando, M/Sgt.
25 Jun45	Violation of war secrecy ordinance				8 mo		Riji Katanuke, Pfc.
26 Jun45	Non-ling desertion (Violation of national General Mobilization and war-time act.)				10 mo		Kunajiro Tokawa, Civ't. Military attached
28 Jun45	Robbery			Not extended			Isalo Sakigami, Corp.
28 Jun45	Do			Do			Minoru Kanda, Pfc.
28 Jun45	Do			Do			Yoshio Yano, Pfc.
28 Jun45	Do			Do			Yoshihara Kishi, Pfc.
28 Jun45	Desertion of war-time				1 yr		Jozed Nishima, Pfc.
28 Jun45	Instigation of forgery of the artificial note, (Use of forgering artificial note) used ornament of welfare.				3 yr	10 da	Nisitsuni Ito, Pfc.
14 July45	Bodily injury	2mo	4 July45	Bodily injury	2mo		Isamu Yoshida, 1st Lt.

Date of Receipt	Crime	Sentence	Date of Initiation	Counsel	Penalty Recorded	Detention Period	Name & Rank
14 July42	Robbery	5 yr	4 July42	Robbery	5 yr	109 da	Hideo Kaji, Pvt 1st Cl.
14 July42	Robbery(Assault)	5 yr	4 July42	Fraud	5 yr	109 da	Masaki Fukunaga, Corp.
14 July42	Fraud	2 yr	4 July42	Fraud	2 yr	109 da	Kazukuni Uyama, S/Sgt.
14 July42	Fraud	2 yr	4 July42	Fraud	2 yr	109 da	Motoitaro Uyama, Pfc.
14 July42	Received of Pilfered Property	4 mo	4 July42	Received of Pilfered Property	4 mo	109 da	Sakaru Suimoto, S/Sgt.
14 July42	Received of Pilfered Property	2 yr	10 July42	Received of Pilfered Property	2 yr	84 da	Tomitaro Nagasumi, Cpl.
14 July42	Received of Pilfered Property	2 yr	10 July42	Received of Pilfered Property	2 yr	84 da	Shintaro Ishikawa, S/Sgt.
14 July42	Keeping of Pilfered Property	6 mo & $40 fine	4 July42	Keeping of Pilfered Property	6 mo	109 da & $40 fine	Kunzo Sakashita, Civ.
14 July42	Keeping of Pilfered Property	6 mo & $40 fine	4 July42	Keeping of Pilfered Property	6 mo	109 da & $40 fine	Shichisi Sakata, Civ.
14 July42	Keeping of Pilfered Property	1 yr & $50 fine	4 July42	Kept Pilfered Property & Rec'd Pilfered Goods	1 yr & $50 fine	109 da	Matsuo Watanabe, Civ.
14 July42	Usurpation and Rec'd Pilfered Property	2 yr 6 mo	4 July42	Rec'd Pilfered Property & Usurpation	2 yr 6 mo	94 da	Yoshimatsu Amemoto, Civ.
14 July42	Kept Pilfered Goods	6 mo & $50 fine	4 July42	Rec'd Pilfered Goods & Kept same	6 mo & $50 fine	94 da	Akio Sakai, Civ.
14 July42	Rec'd Pilfered Goods	6 mo	4 July42	Rec'd Pilfered Goods	6 mo	94 da	Masaichi Funamoto, Civ.
14 July42	Rape (Fraud and robbery)	5 yr	10 July42	Rape(Fraud and robbery)	5 yr	45 da	Shigekichi Yoshida, S/Sgt.
14 July42	Usurpation while on duty	1 yr	10 July42	Usurpation while on duty	1 yr	81 da	Yoshichi Kato, S/Officer.
14 July42	Fraud	4 mo	10 July42	Fraud	4 mo	81 da	Toshio Tanigawa, L/Cpl.
14 July42	Swindling (desertion)	1 yr 2 mo	5 July42	Swindling (desertion)	1 yr 2 mo	86 da	Kentaro Tai, Pfc.
14 July42	Rape	3 yr	10 July42	Rape & abetting or rape	3 yr	57 da	Hideo Shigeta, Pfc.

Date of Verdict	Crime	Sentence	Date of Indictment	Charge(s)	Penalty Demanded	Detention Period	Name & Rank
14 July42	Rape	5 yr	10 July42	Rape & abetting of rape	8 yr	87 da	Sugiyama Asuma, Pfc.
15 Aug 42	Destruction of Military Property(desertion)	1 yr(confinement)	15 Aug 42	Destruction of Military Property(desertion)	1 yr	30 da	Jiro Ikuma, Pfc.
15 Aug 42	Destruction of Military Property(usurpation & desertion)	1 yr 2 mo	17 Aug 42	Destruction of Military Property(usurpation & desertion)	1 yr 2 mo	90 da	Matsuoka Yasumaru, Pfc.
15 Aug 42	Bodily injury	¥30 fine	14 Aug 42	Bodily injury	¥30 fine		Ichihei Fujita, A/pvt.
15 Aug 42	Desertion with war time bonus	1 yr(confinement)	14 Aug 42	Desertion with war time bonus	1 yr	61 da	Gozo Miyamoto, Pfc.
15 Aug 42	Accidental homicide	¥40	14 Aug 42	Accidental homicide	¥40		Otomi Takagaki, Civ. attached
15 Aug 42	Soc'd pilfered goods	1 yr	14 Aug 42	Soc'd pilfered goods	1 yr	49 da	Bang Hun, orderly
15 Aug 42	Robbery	3 yr	14 Aug 42	Robbery	3 yr	26 da	Junko Doi, Civ.
18 Aug 42	Rape	4 yr	31 July42	Rape	4 yr	61 da	Shizuo Takeda, A/pvt.
18 Aug 42	Rape	3 yr 6 mo	31 July42	Rape	3 yr 6 mo	61 da	Genichi Kajima, Pfc.
18 Aug 42	Rape	4 yr 6 mo	31 July42	Rape	4 yr 6 mo	61 da	Kanataka Kitase, Pfc.
18 Aug 42	Usurpation of lost goods	4 mo	22 July42	Usurpation of lost goods	4 mo	64 da	Isamu Sasaki, A/pvt.
18 Aug 42	Bodily injury	6 mo	22 July42	Bodily injury	6 mo	72 da	Shigeo Hirano, A/pvt.
18 Aug 42	Theft	2 yr	14 Aug 42	Theft	2 yr	37 da	Giichi Tsuzuki, Civ.
18 Aug 42	Accidental homicide while on his duty	¥30	31 July42	Accidental homicide while on his duty	¥30		Shigeru Tsushima, S.Sgt.AF.

G. I. A. 13 WITNESS BOOKS
PROSECUTION
Division
Exhibit No.
Received

PEACE CONTENTMENT PREVAIL AT INTERNMENT CAMP

PHOTO FLASHES OF UST INTERNEWS

DECLARATION

Taken at: Manila, P. I.

Date: 30 January 1946

In the proceedings of: Trial Contempt
Def: U.S.

Supervised: Judge Blakemore

Questions by: Robert A. Vogt
Def Lt. Col

Q What is your name?
A Consuelo Hernaiz.

Q Where do you reside?
A 22 Santa Rosa, Manila.

Q I direct your attention to the end of December, 1941 and ask where you were at that time?
A I was in Manila.

Q Where did you reside at that time?
A 22 Santa Rosa.

Q Were you employed by Galvan Limited in December, 1941?
A Yes.

Q Do you remember the time when Manila was declared an "open city"?
A Yes.

Q Did you see any American troops in Manila after that time?
A Yes, I did. They were leaving the city. I also saw American troops blow-up the Galvan fuel tanks at six p.m. on 31 December 1941. I could see them from my home directly across the river.

Q Do you have any records concerning the destruction of the fuel tanks?
A We have affidavits at Galvan Limited by employees of the firm who certified that the fuel tanks were destroyed at six p.m. 31 December, by United States Army authorities.

/s/ Consuelo Hernaiz
CONSUELO HERNAIZ

CONSTITUENCY OF THE PHILIPPINES)
) ss
CITY OF MANILA)

I, CONSUELO GONZALES, of lawful age, being duly sworn on oath, state that I have read the foregoing translations of my interrogations and all answers contained therein are true to the best of my knowledge and belief.

/s/ Consuelo Gonzales
/s/ CONSUELO GONZALES

Subscribed and sworn to before me this 1st day of February, 1946.

/s/ Thomas J. Dis
/s/ THOMAS J. DIS
Captain, AGD

AFFIDAVIT

I, THOMAS J. DIS, 1st Lieut., AGD, O-1309644, certify that on 30 January 1946, personally appeared before me CONSUELO GONZALES and gave the foregoing answers to the several questions put [illegible] that after her testimony had been transcribed, she said CONSUELO GONZALES read the same and affixed her signature thereto in my presence.

/s/ Thomas J. Dis
/s/ THOMAS J. DIS
1st Lieut., AGD
Defense Counsel
War Crimes Subcommission

MANILA, PHILIPPINES

1 February 1946

A CERTIFIED TRUE COPY:

/s/ Josephine Galicinao
/s/ LOURDES GALICINAO
1st Lt. AGD

A CERTIFIED TRUE COPY:

U.S.A. -vs- YAMASHITA ROUND

[illegible]

AFFIDAVIT

[illegible] Seattle, W. T.

[illegible] 30 January 1942

On this personal [illegible] Julio Navarro
[illegible] Spa. Vice Cons.

[illegible] Judge Bronson

[illegible] Subject to Objs
[illegible] Spa. Vice Cons.

Q Just as your name?
A Julio Navarro.

Q What is your position at the present time?
A Acting Consul for the Spanish Government.

Q What is your citizenship?
A I am a subject of the Spanish Monarchy, Seattle.

Q Were you in the Peninsula in December, 1941?
A Yes, I was Consul at that time.

Q Is it within General Franco or President Queipo
who arrangement in the Spanish Peninsula to notify
ff Japan of the proclamation declaring Seattle an
"open city"?
A Not to my knowledge.

Q Have the services of the Spanish Diplomatic Service
in any way employed to communicate the information
as to Seattle being an "open city" to the Japanese
government?
A Not to my knowledge. I do more that I would have
heard of it if it had been used.

[illegible]

Subscribed [illegible]

A Notary Public

/s/ Julio Navarro
[illegible], Spa

[illegible]

[illegible]

[illegible] Exhibit No. 1
[illegible]

[redacted]

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR } S. S.
CITY OF SEATTLE

AFFIDAVIT

ALFRED T. SMITH, upon being duly sworn, deposes and says

That he is of age, an American citizen, and is a resident of the City of Seattle, at 39 Viscaya Isle Drive, Bellingham Peninsula

That Caltex (Philippines) Inc., is a corporation organized and existing under the laws of the Philippines, and domiciled in the City of Manila

That on December 8, 1941, affiant was the Station Fuel Storekeeper of the Company in Pandacan, City of Manila

That from December 8, 1941, to December 22, 1941, there were Military officers and soldiers in and out of the installations of the Company in Pandacan, and there were also the regular Philippine Army who took the necessary precautions to keep out civilian and unauthorized persons, and to see to it that there was no sabotage or espionage in that part of the city

That on or about December 22, 1941, United States Army officers commandeered the Company's installations and took possession of all the supplies, equipment, and stocks of the Company

That on December 23, 1941, for reasons of safety, the affiant was ordered to evacuate the place where he was living inside the installation by United States Army Officers, as they were expecting an air raid over the entire Pandacan area. From this place the affiant moved to Hacienda but continued attending to and fulfilling his duties as Station Fuel Storekeeper of the Company in Pandacan

That on December 31, 1941, the Company's Managing Director, Mr. J. Lovelace, who was outside the gate of the Company's Pandacan installation, instructed the affiant to go home as the United States Army was ready to destroy the Company's properties pursuant to USA orders, in order to prevent the stocks and equipment from falling into the hands of the invading Japanese Forces

That on various dates between December 8 and December 22, 1941, as per instructions received by the affiant from authorized officers of the United States Army, some of the Company's Gas Oil, Gasoline, and Kerosene stored in the Company's storage tanks was allowed to flow into the Pasig River by opening the pipe lines. The affiant can not state exactly the quantity taken from the storage tanks; but between the said dates there was a continuous movement of Army trucks in and out of the Company's Refinery taking full loads of our lubricating oil in 55 gallon drums, Gasoline in 5 gallon tins and Gasoline in 55 gallon drums from our installations

That during the period between December 26 and December 31, 1941, it was necessary for the Company to load not only the Company's own tank cars but also tank cars of other oil companies which were carrying gasoline for the use of the U. S. Army, and these tank cars were always filled by the Company, and they were eventually taken by the Army to their special destinations

That it was the affiant's understanding, after the order to blow up the plant was issued, that the tank trucks and other equipments were to proceed to Bataan

That on or about December 31, 1941, U. S. Army officers and flew to the Company's installations in Pandacan, that the

[redacted]

That there were 3 6" pipe lines for refined oil and 1 12" bunker fuel line running from the storage tanks to the docks along the river front, and that there were also 6" pipe lines running from the storage tanks thru the pump house to filling tanks and car fillers, drum fillers and tank truck loading rack;

That there were 8" water lines running from the fire pump house to various fire hydrants located around the Company's property and also connecting with U. S. water lines;

That there were 2 4" foam lines running from the fire pump house to storage tanks Nos. 7814, 7817, 7818, 18834, 18840 and various from privately located around the Company's property;

That there were, in all, 8 docks of various widths and lengths along the river front made of creosoted piles with wooden decking, which docks were all covered with wood and corrugated galvanized iron;

That the main parcel of Company's Lot No. 1 consisted of approximately 21,611.0 square meters and the area covered by Company's Lot No. 2 was 2,820.8 square meters;

That at various dates between December 6 and December 31, 1941, as per instructions received by affiant from authorized officers of the United States Army, some of the Company's Bau Bil, Gasoline, and Kerosene stored in the Company's storage tanks was allowed to flow into the Pasig River by opening the pipe line valves. Affiant can not state exactly the quantity taken from the storage tanks; but between the said dates there was a continuous movement of Army trucks in and out of the Company's bodegas taking full loads of Gallon bottles containing Oil in 54 gallon drums, Gasoline in 8 gallon tins and Gasoline in 16 gallon drums from our installations;

That during the period between December 26 and December 31, 1941, it was customary for the Company to load not only the Company's own tank cars but also tank cars of other oil companies which were carrying Gasoline for the use of the U. S. Army, and these tank cars were always filled by the Company, and they were eventually taken by the Army to their special destinations;

That at 9:00 p. m. on December 31, 1941, it was ordered by U. S. Army officers that all trucks be loaded with products and be prepared to operate, and all Company employees remain the entire night;

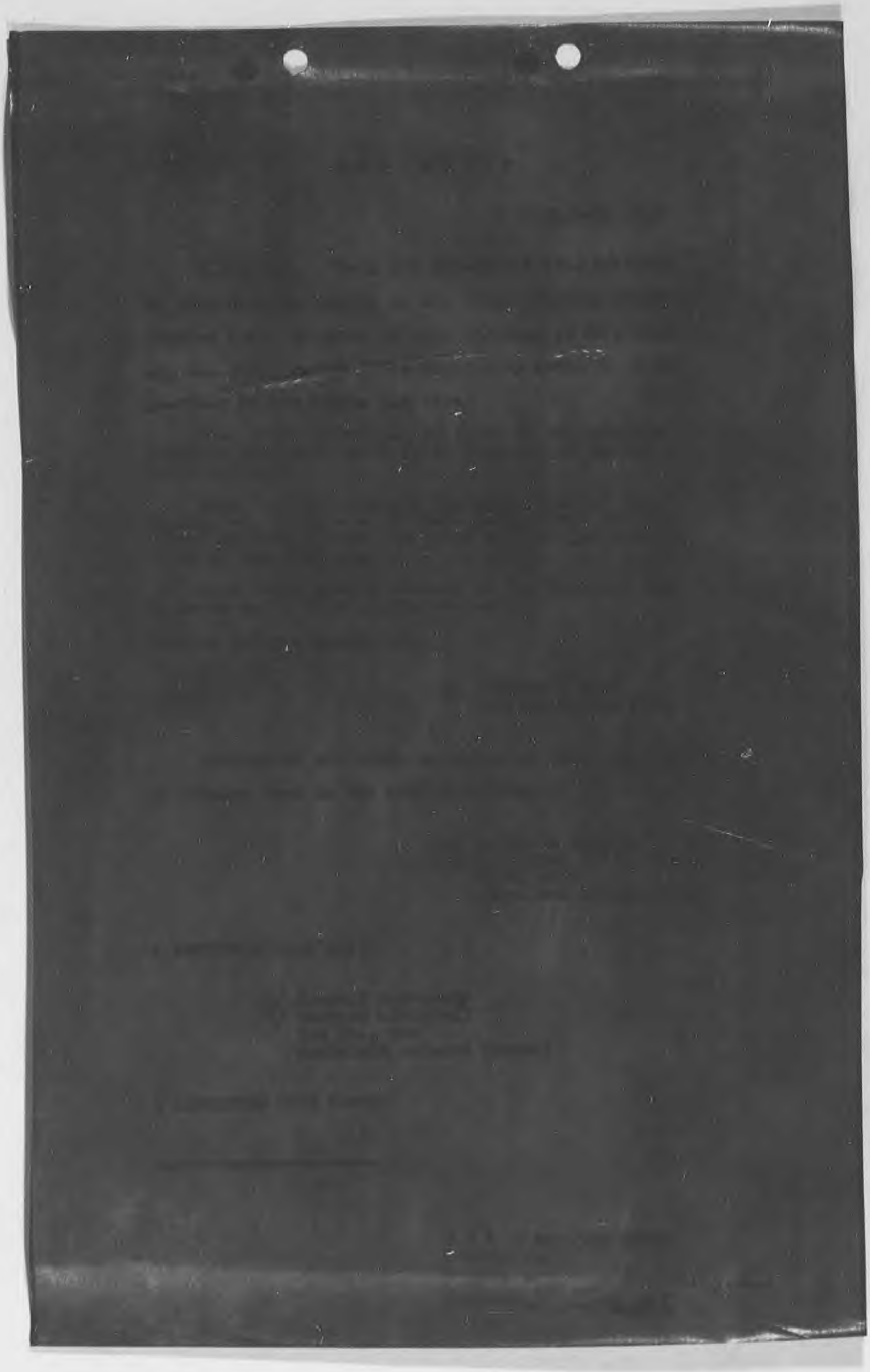
That on December 31, 1941, at 6:00 p. m., the U. S. Army destroyed all buildings, tanks, stacks, machineries, pipe lines and piers by setting them on fire and dynamite;

That since December 31, 1941, affiant had no chance to return to Pandacan to determine the extent of the damage to the Company's properties, as on January 2, 1942, Japanese soldiers were already in Manila, and affiant was taken to his home on January 2, 1942;

That affiant has studied the detailed list of Pandacan Terminal storage and filling tanks, the various buildings, meter equipment, etc., described in "Report on Manila Terminal" and has found same to be correct, to the best of his knowledge and belief;

That on or about November 15, 1945, at first opportunity, affiant visited the Company's Pandacan Installation and found there very no

[redacted]



[redacted]

A Yes, I have done that through local universities.

Q Okay.

A Well so, I have other copy of the questions you'd asked to various students and so give it to the boss, but the most responses refused to answer.

Q Now also the contributions delivered by one of the countries I mentioned earlier by you to deal with the issue about?

A We have not seen or believe much on the same because, as I said just now many companies refused to answer it.

Q Now do you think that the same consensus refusals are the result of some weakness?

A I actually stand for confidence.

Q You said the same consensus did be different?

A Yes, sir.

Q But are the same consensus?

A Confuse (inaudible)

Q Okay now a direct issue and it seems to me also a question for the boss also.

A Yes.

Q But now also just written with Colonel Ibe?

A Yes.

Q Let what was his general response with respect to the fact the question just earlier being said by the boss -- now we are talking to second time?

A I think it was better that the former commander because he observed some of the different social attacks and examples from these communities from outsiders.

Q What is generally the general perception of the people of [illegible]

A They are openly farmers.

Q And they also dedicated as mining things -- I mean, do they call their supplies?

A Yes, I think yes or why are farmers.

and forbade the hereditary of the property of male adults so that they will have very little to sell unless because what little they produce they had to pledge themselves for, sir.

A certain Mr. Vincent Zinn, testifying before the committee on October 17, 1988, testified that there was a philosophy-learning center confined to camp, where once he could not remember, who had observed camp (presumptive and knowledge in camp. Do you have that learning center well, there are some philosophy-learning there in Camp Chesterfield camp?

There are two of them now further northeast.

Now you give their first names?

That one is Clara Wallace.

And the other one?

Alfred Jennings.

Where are they presently at?

Current Clara Jennings is a woman who is very elderly.

What about the other?

The other one, Albert, is now in Australia, but first Jennings is in Europe. If you care, I will find out where their residence is.

Yes, please, that would be a letter.

A week and he was in Europe.

Once you return to Japan, please tell him to send to the committee and ask him to please so that we can subpoena him.

Yes, sir.

Do you have or are resident in Japan who was released in any other kind of prisoner that could affect the prisoners in camp during the period of the occupation?

I do not know anybody, Congressman.

In other words, all you would testify to is regarding numerical -- only numbers -- that is all what I know.

You know Anglo Saxons?

A Yes.

Q He was the governor of Turiaz?

A Yes, at that time.

Q Governor Sergio Arcina, according to testimony here, was in charge of buying cattle for consumption of the prisoners inside. Have you been aware of that?

A I do not know whether he was in charge, but I know that he used-some cattles.

Q He was buying cattle and sending them to the camp?

A I do not know whether he bought those cattles or whether they were only contributions for the maintenance of the prisoners.

Q The cattle that he sent there, did it not pass there via Bayar Camp?

A They did not pass thru me.

Q They must direct to the camp?

A Yes.

Q In other words, Governor Arcina spoke [illegible] with the camp commander and not indirectly thru the local [illegible] authorities who are supposed to be in the chain?

A Sometimes in the reality when the cases are sensitive we do direct.

Q Now, in the particular case of the cattle that was being supplied to the camp, did we deal thru you?

A I do not remember that we dealt thru in these cattle.

Q In these other occasions when, according to you, he dealt thru you, what was the subject-matter of the case?

A Sometimes as in the cases of prisoners who were able to be released, then we used to necessarily to see the camp commander or when the prisoners have to be released.

Q You stand on supply?

A Yes.

Q In what way have you helped the prisoners inside the camp?

A In the first cases, when the prisoners arrived in Bayar, I

[redacted]

[illegible] the [illegible] that [illegible] -- [illegible] -- [illegible] --

[redacted]

[redacted]

AFFIDAVIT

[illegible] appeared before me, Kita Ozaki, President of Justices of the Tokyo Court of Appeals, in the city of Tokyo, Japan, whom I, Ozaki cut after being duly sworn says as follows:

[illegible] enjoying a private friendship with General Wenne for some years I know him to be quite and enlightened gentleman well versed in western civilization as well as in eastern oriental philosophy. By reason friendly [illegible] with him acquainted mostly in the studying of the ancient Chinese poems and essays written by distinguished scholars and philosophers such as Confucius. General [illegible]'s daily behavior as far as I know was based on such teachings as outlined by the sages of ancient China, with such teachings as "women virtue should extend to birds and animales. Therefore I am fully convinced that [illegible] a man who would permit ignorance of the most elements of his subordinates if he has power of [illegible] his troops to commit atrocities in regard of [illegible]

He had also a needs for tennis and other [illegible] sports, while his fellow soldiers were against his playing tennis saying. Ignoring such criticism by military [illegible] tennis mostly his civilians. [illegible] [illegible] ability. [illegible] [illegible] [illegible]

OPERATIONAL PRIORITY EXPEDITE

TOO: 151000 Z DCS/ZAT

RRDD: 1300 19 JAN 46 APPROVED DIST

ACTION: AC

INFO: G-2

FROM: [illegible] G-3

TO: WINCAFFAC G-1

INFO: ALFHQ FM

HDQ OF PLANS

FILE

OTEB: 93307 WITO

TOOM O 93017 IZ ZAB BOT BD ALFHQA.

1. FOLLOWING VERBATIM AFFIDAVIT OF GAJ USN FEARGUS STEWART GILLESPIE FIGHTT SHOWN BOTOM ONL M O MILLER ZAB WHEN IS OFFICE LONDON TEXT RAMEN 3:

(1) I FIRST KNEW OSW ROMBA THEN A CAPT WHEN I WAS HEAD OFFICE OF THE BRITISH ARMY IN FRANCE IN 1918. HE WAS ATT TO LORD PLUMER AS HE WE OTHER ALLIED MANY OTHER OFFICERS AND BEING THIS PERIOD ACQUIRED A VERY GOOD KNOWLEDGE ENGLISH LANGUAGE, SUBSEQUENTLY KNEW HIM AS WAS MOST MILITANT ATTACHE IN LONDON AND I WAS HEAD FAR EASTERN SEC AT WAR OFFICE IN 1920-21. LATER WHEN MIL ATTACHE IN TOKYO BETWEEN 1921 AND 1926 WHEN SERVING AT WAR OFFICE BETWEEN 1927 AND 1935 AND AGAIN WHEN MILITARY ATTACHE AT TOKYO FROM 1936 TO 1939 I WAS IN MORE OR LESS CONTINUOUS SOCIAL AND OFFICIAL CONTACT WITH ROMBA WAS MILITARY ATTACHE IN LONDON FROM 1930-33 AND 1941 IN TOKYO FROM 1937 TO 1938. IN 1939 HE WAS GOD KNOWS.

(2) DURING WHOLE THIS PERIOD I FORMED A CLOSE PERSONAL FRIENDSHIP WITH HIM. I FOUND HIM STRONGLY PHYSICALLY AND MENTALLY DETERMINED BROAD MINDED AND CONSERVATIVE IN HIS POLITICAL VIEWS WITH A SENSE OF HUMOUR AND VERY GOOD COMPANY. HE

WAS AN ARDENT SUPPORTER OF ANGLO JAPANESE ALLIANCE AND AN EQUALLY DISBELIEVER IN LEAGUE OF NATIONS. HIS FOREIGN AFFILIATIONS WERE MAINLY BRITISH EXCEPT AS REQUIRED BY HIS OFFICIAL POSN WHEN SNL. HE HAD NO SPECIAL PRO GERMAN PROCLIVITIES RATHER THE REVERSE. HIS REPUTATION IN JAPAN APART FROM A MILITARY POINT OF VIEW WAS OF HIGHEST, QUITE APART FROM HIS WELL KNOWN REPUTATION OF BEING PROBRITISH AND AN EXPERT ON THE BRITISH EMPIRE. HE WAS IN FACT CONSIDERED TOO PRO BRITISH BY CERTAIN CIRCLES IN JAPANESE ARMY. HE OFTEN DESCRIBED HIS MOTTO "LIVE AND LET LIVE" AND WAS OF MY CERTAIN KNOWLEDGE NEVER ASSOCIATED WITH EXTREMIST MILITARISTS.

(3) HONMA WAS TO MY UNOFFICIAL KNOWLEDGE RECALLED BY THE GENERAL STAFF IN TOKYO FOR NOT TAKING EARLIER AND MORE DRASTIC STEPS AGAINST THE BRITISH CONCESSION AT TIENTSIN IN 1939 OWING TO WELL KNOWN WEAKNESS OF JAPANESE CHAIN OF COMMAND AND LIAISON HONMA HIMSELF VISITED TO FRONT AT BEGINNING CHINESE WAR AND AT HIS RECOMMENDATION CERTAIN SUBORDINATE COMDS WERE REMOVED FOR RESPONSIBILITY IN NANKING ATROCITIES JAPANESE GHQ IN CHINA HAS LOST CONTACT WITH SEVERAL OF SAID ADVANCED UNITS. THIS REFERS SPECIFICALLY TO COMBATANT UNITS MILITARY POLICE, DETACHMENTS ARE ALWAYS INDEPENDENT OF ANY CONTROL FROM LOCAL COMDS.

(4) GENERAL HONMA'S VIEWS WERE INDEPENDENT MODERATE HUMANITARIAN AND VERY DEFINITELY PRO BRITISH TO LATTER EVEN AFTER ANGLO JAPANESE ALLIANCE THE TERMINATION OF WHICH HAD BEEN A SEVERE DISAPPOINTMENT TO HIM.

MSGS. DATED AT 6 SPRING GARDENS LONDON 14 JAN 1946 NOT SIGNED AND WITHHELD. ALFSEA PLEASE REFER OUR 01791 3 JAN WHICH REPEATS CINCAFPAC DATED 21 DEC.

ACTION: GS APPROVAL

A True Copy
/s/ Haig
Castarian
2d Lt., AUS

C. A. W. MASAHARU HONMA
Prosecution Sec
Defense

DEATH REPORT

CABANATUAN

Prosecution Exhibit no. 411

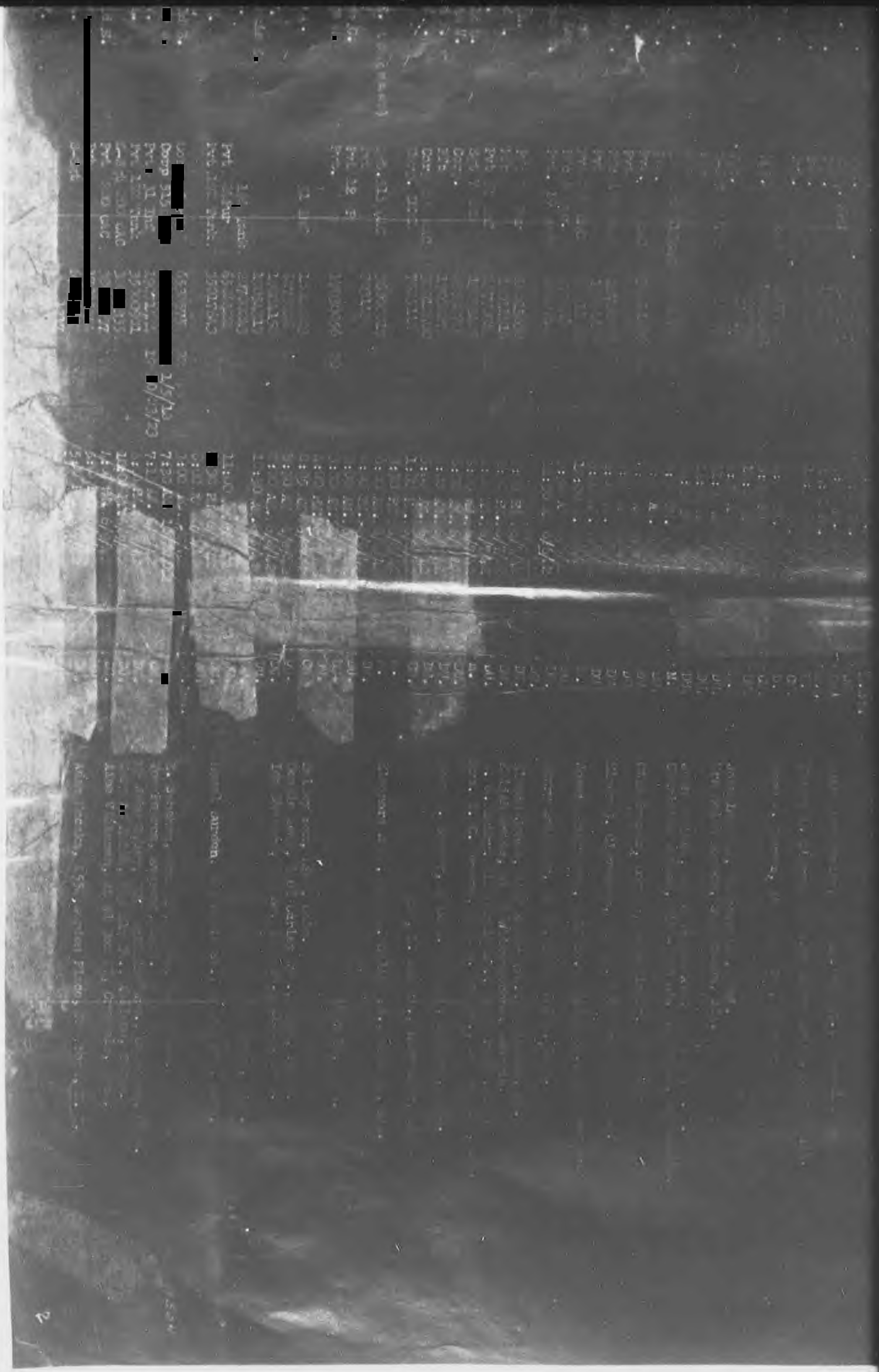
copy IV

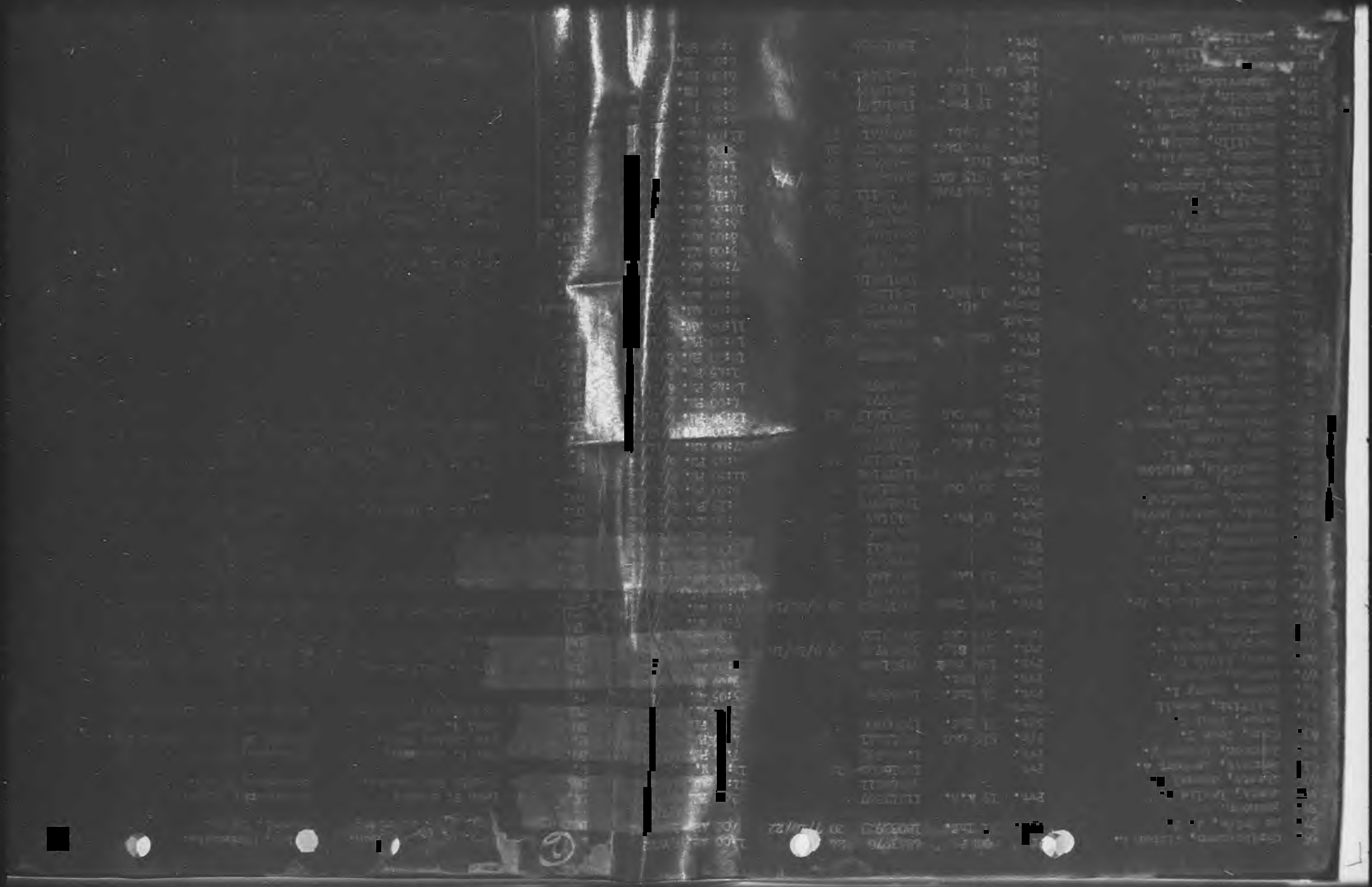
CABANATUAN

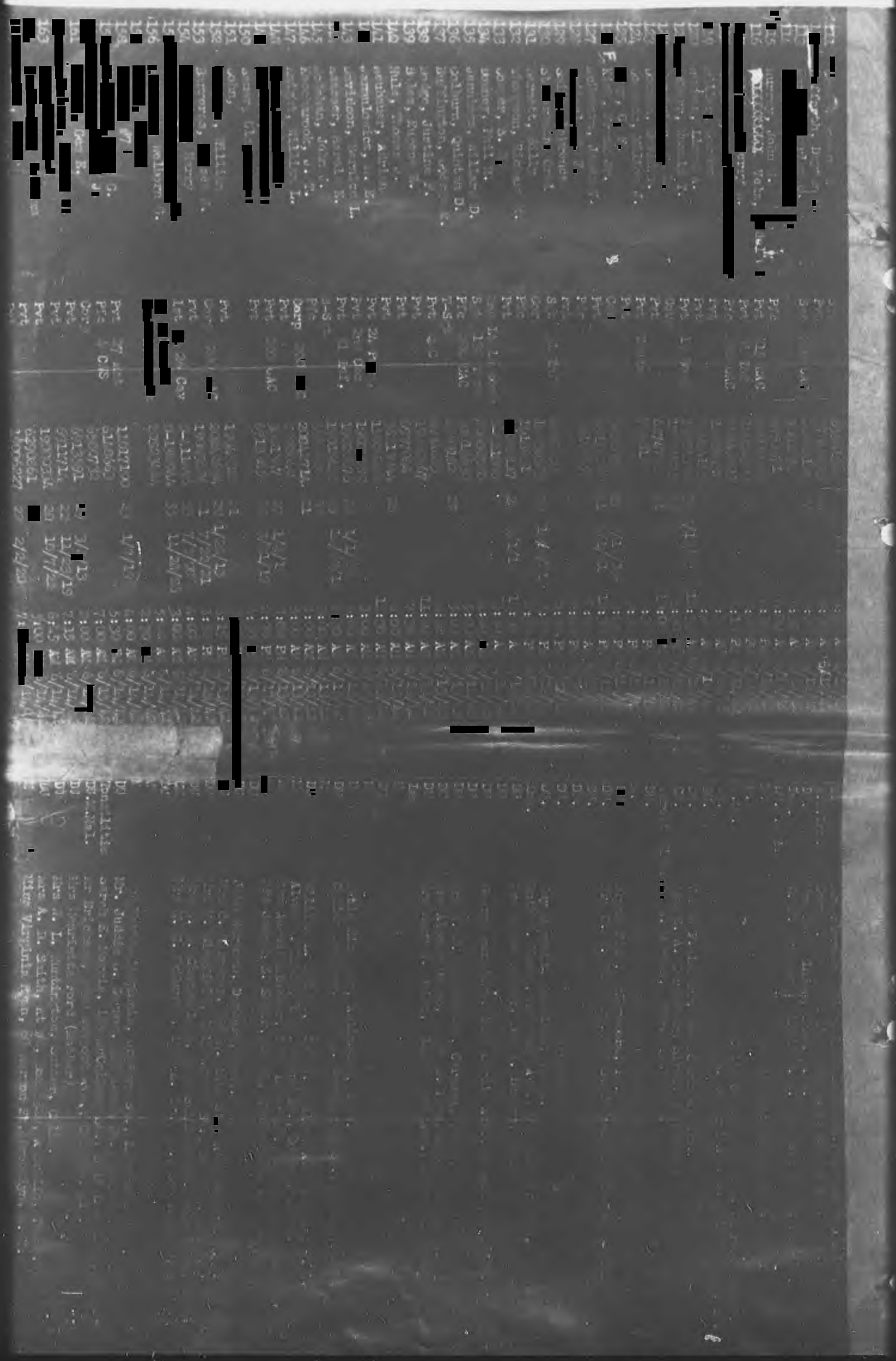
Prosecution Exhibit no. 411

COPY IV

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
RECEIVED 18 JAN 46.
EXHIBIT No. 411
CBPU IV







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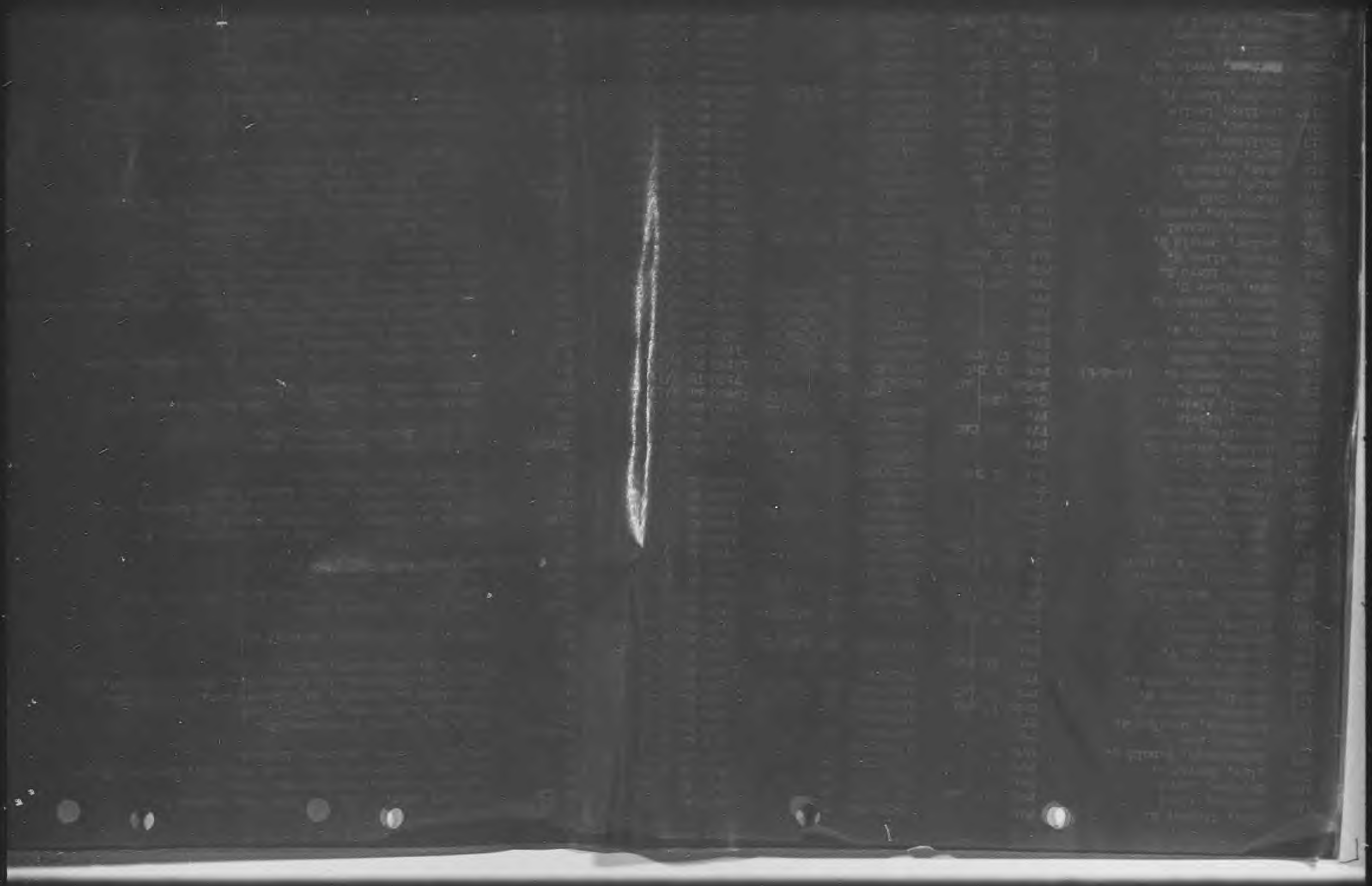

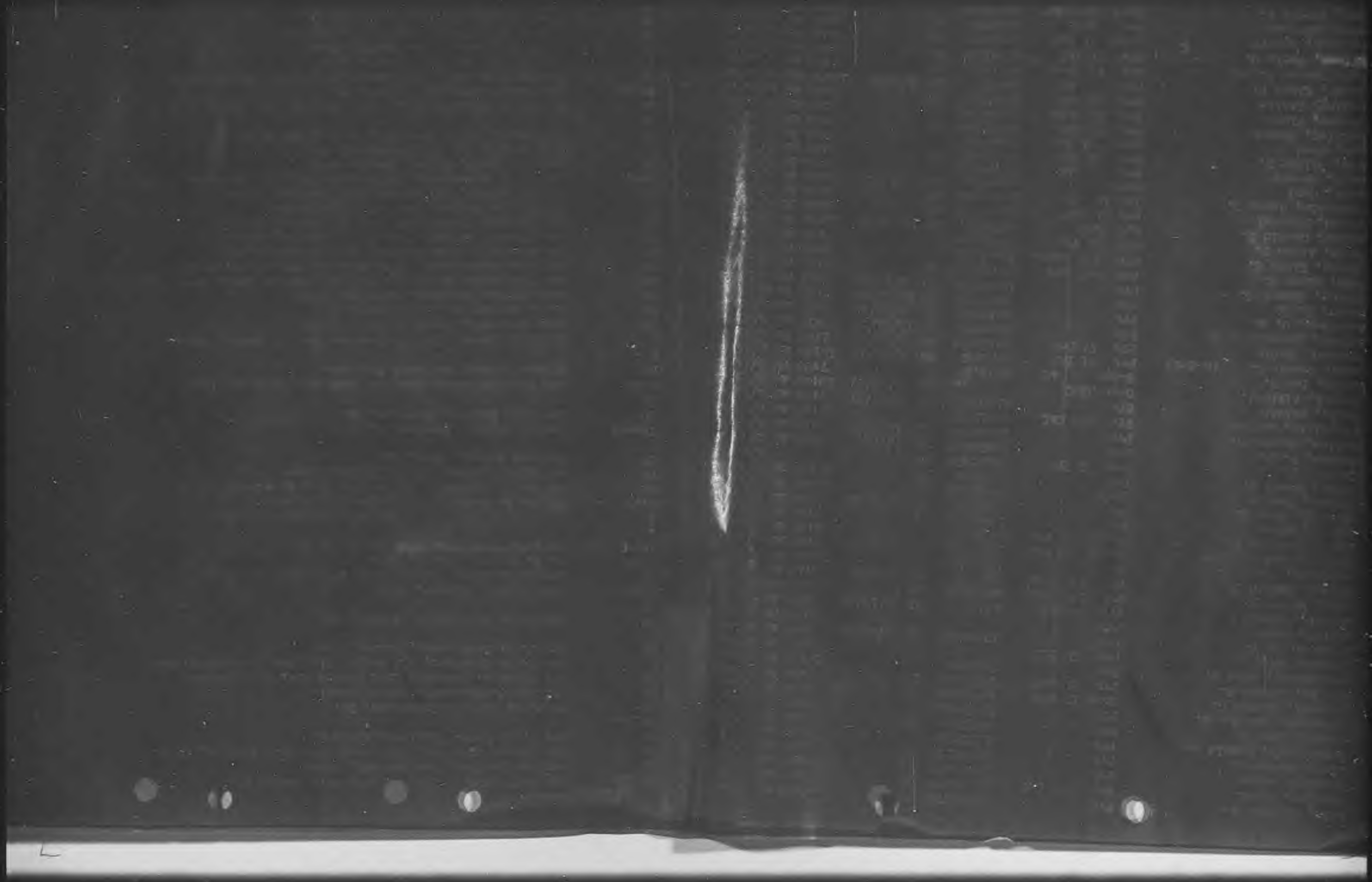

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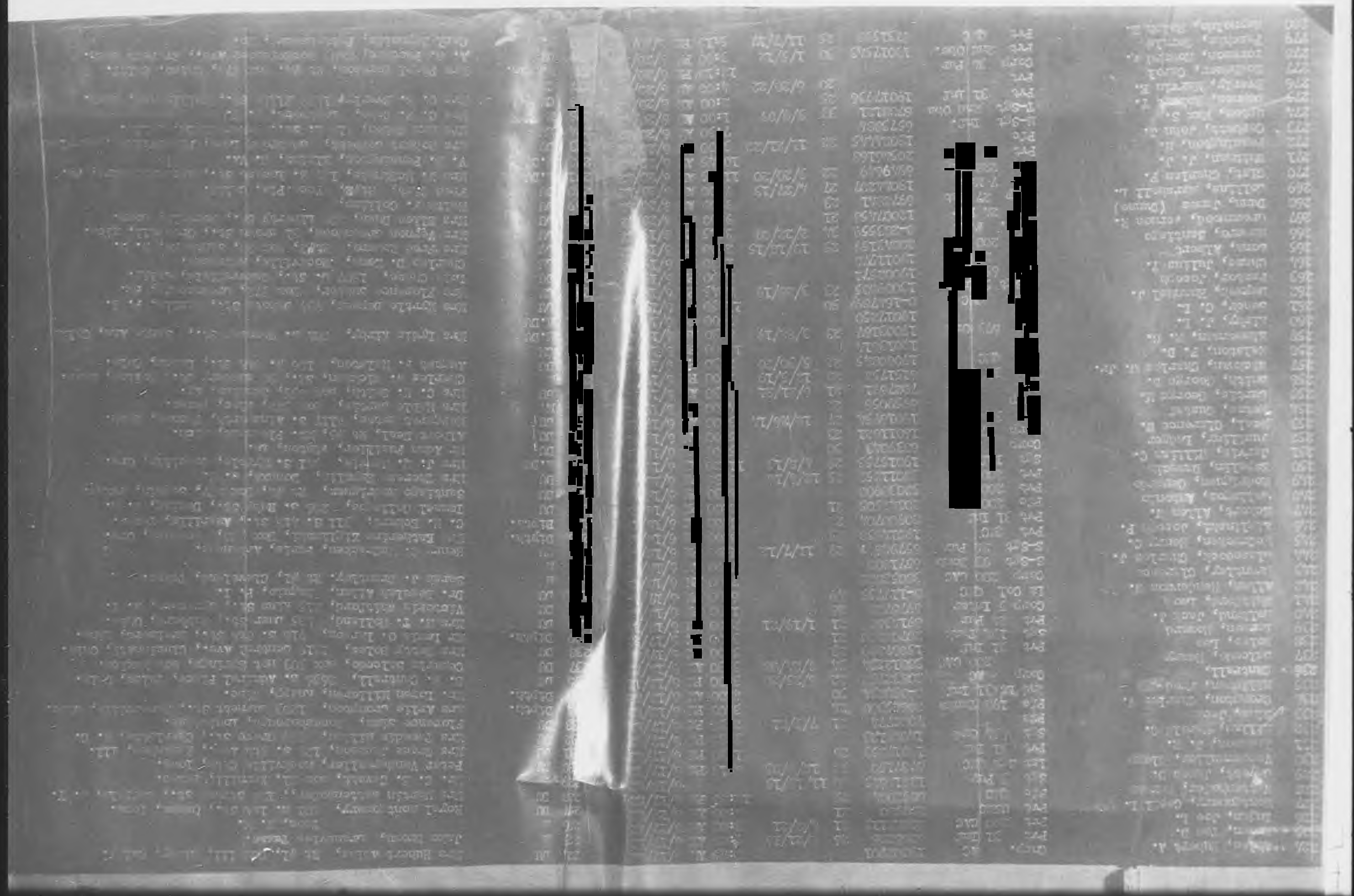

COMMONWEALTH LESSON PLAN BOOK

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Grade _____

Date _____ Subject _____ Time _____ M. to _____ M.

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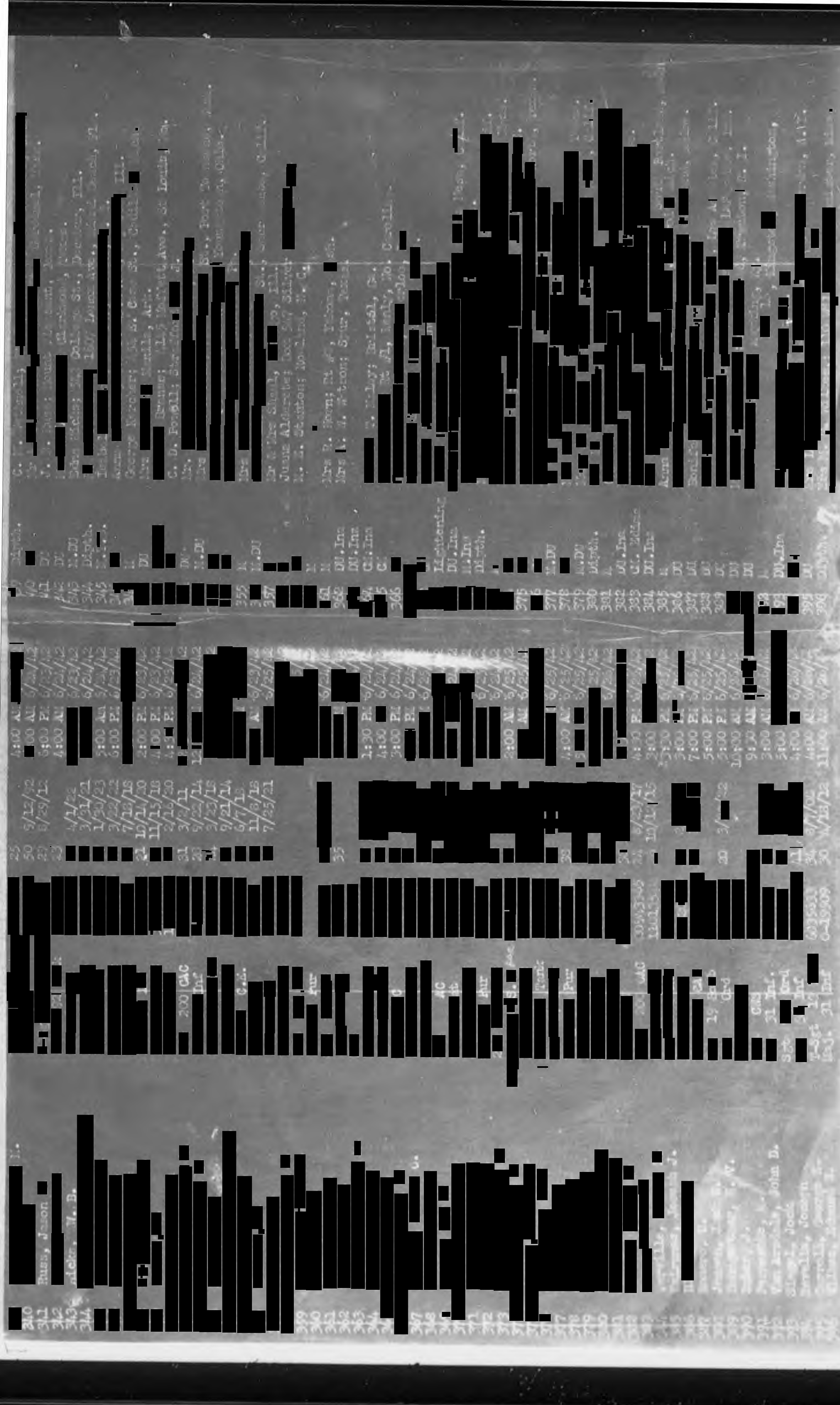
Date Subject Time

Date Subject Time



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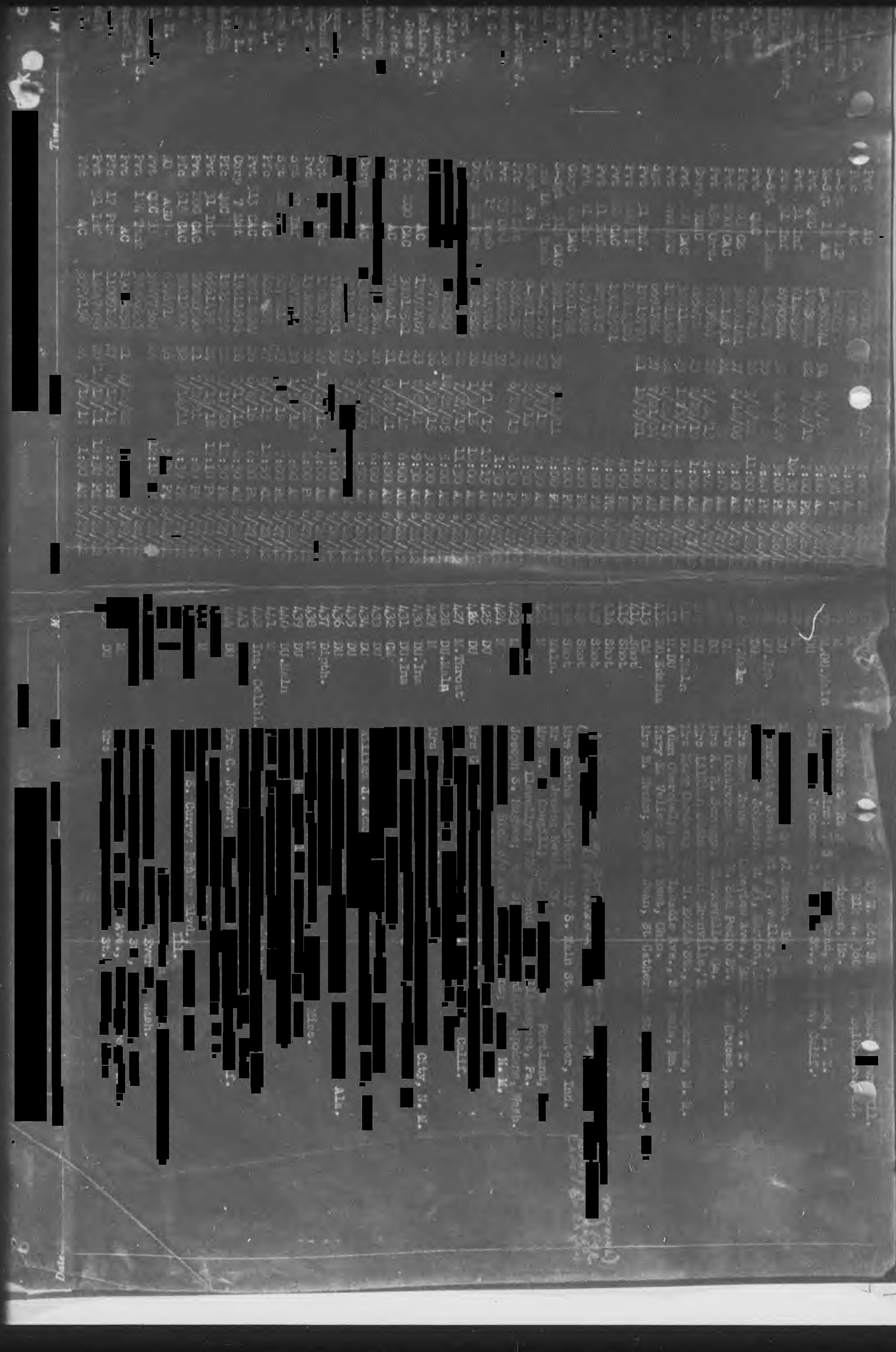
Date _____ [redacted] _____ .M. _____ .M.



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511	Lorlee, Douglas L.	Pfc	13	Par				/21		4:30	PM	7/ /42
512	Redcliff, Clarence	Pvt	513	CAC				/12		5:00	PM	7/ /42
513	Keeling, Birchel	Pfc	1	Tank						5:00	AM	7/ /42
514	Sprouse, Grant A.	Corp	93	Tank						3:00	PM	7/ /42
515	O'Brien, James H.	Pvt	143	Tank						4:00	PM	7/ /42
516	Sloan, Russell D.	Pvt	1	Tank						5:00	AM	7/ /42
517	Ferguson, George	Sgt	410		684			11/ /11		7:00	PM	7/ /42
518	Johnston, Howard	[redacted]		Inf.						6:00	AM	7/ /42
519	Bates, H. D.	Pvt	1	Tank						1:00	AM	7/ /42
520	Bergmann, John C.	Pfc	17	Par				11/20/20		1:30	AM	7/ /42
521	Bernitz, Chas. W.	Pfc	13	Tank				/15		4:00	AM	7/ /42
522	Bell, Beverly J.	Pfc	1	AC				/13		4:30	AM	7/ /42
523	Hoffman, Ethel O.	Pvt	410					4/5/12		4:30	AM	7/ /42
524	Pierce, Thomas	Pvt	31	Par				11/ /15		3:00	AM	7/ /42
525	Bassett, James F.	Pvt	31	Par				/15		11:00	PM	7/ /42
526	Carroll, Joseph	Pvt	410							1:00	AM	7/ /42
527	Cooper, [redacted]	Pvt	513					1/ /22		4:00	AM	7/ /42
528	Powell, John J.	Pvt	513	CAC				/12		5:00	AM	7/ /42
529	Holstead, Alexander C.	Pvt	17	Par				/15		7:00	PM	7/ /42
530	Lee, Marshall T.	Lt	11	TA				/04		2:00	AM	7/ /42
531	Chilcott, Charles B.	Pvt	6					/15		2:00	AM	7/ /42
532	Powell, John F.	Pvt	513					/12		5:00	PM	7/ /42
533	Slater, Edward	Sgt	1st	Inf				/15		1:00	PM	7/ /42
534	Lewis, Albert	Pvt	513	Ord				/12		5:00	PM	7/ /42
535	Carruthers, Irvin C.	Sgt	2	Par				/12		5:00	PM	7/ /42
536	Clark, Lewis L.	Pfc	513	CAC				/12		5:00	AM	7/ /42
537	Reilly, Donald J.	Pfc	1	Tank				/12		5:00	PM	7/ /42
538	Prather, George M.	Sgt	2	Tank				/12		5:00	PM	7/ /42
539	Hall, D.H.	Pvt	1	[illegible]						5:00	PM	7/ /42
540	[illegible], Alexander	Corp	513	CAC				/12		5:00	AM	7/ /42
541	Gilmore, Arthur E.	Pvt		AC				/12		5:00	AM	7/ /42
542	Lutzmann, Charles		Lt	AC				/12		5:00	AM	7/ /42
543	Whitmore, George	Pvt		AC				/12		5:00	PM	7/ /42
544	Fleshner, Wilbur	Pvt		AC				/12		5:00	PM	7/ /42
545	Reynolds, Clarence	Pfc		AC				/12		5:00	PM	7/ /42
546	Schlegelmilch, Frank P.	Asst	21	Cook				/12		11:00	AM	7/ /42
547	Brown, Earl L.	Pvt		AC				/12		5:00	AM	7/ /42
548	Fisher, Orbel I	Pvt	513	CAC				/12		5:00	PM	7/ /42
549	[illegible]	Corp								5:00	PM	7/ /42
550	[illegible], Pat [redacted]	Corp			684			/12		5:00	AM	7/ /42
551	Dorsett, Raymond	Corp	1	Tank	351			1/ /12		10:00	PM	7/ /42
552	Lewis, Charles	Pvt	13	Tank	190			/15		5:00	AM	7/ /42
553	Levy, Lester B.	Pvt	30	Inf				/15		5:00	AM	7/ /42
554	Trout, Robert W.	Pfc	5	Engr.	686			/11/12		5:00	PM	7/ /42
555	Schlosser, Robert L.	Pvt		AC	684			/10/12		11:00	AM	7/ /42
556	Freeman, Clyde R.	Pfc	194	Tank	6			1/ /20		6:00	AM	7/ /42
557	Matthias, Walter F. Jr.	Pfc			16			/12		5:00	PM	7/ /42
558	Wills, Edward	Pvt	193	Tank	30			/12		5:00	AM	7/ /42
559	Pagel, Donald E.	Lt	1	AC				/12		5:00	AM	7/ /42
560	Fechner, Paul A.	Pvt	190	CA				/12		4:30	AM	7/ /42
561	Hughes, Hunt	Pfc	194	Tank				/12		1:00	AM	7/ /42
562	Martin, Vernon A.	Pvt	[redacted]					/12		2:00	AM	7/ /42
563	Wilson, Walter L.	Pvt	45	Ord				/20		5:00	AM	7/ /42
564	Allen, Robert	Pvt	93	CA				/12		5:00	AM	7/ /42
565	Post, Jay	Corp	29	Par				/12		5:00	AM	7/ /42
566	[redacted]	Pfc		AC				/12		10:00	PM	7/ /42
567	[redacted]	S-Sgt	7	Mat	[redacted]					7:00	AM	7/ /42

511	[redacted]	[redacted]
512	[redacted]	Mrs R. L. Keeling; Burgin, Ky.
513	DU	[redacted]
514	DU	[redacted]
515	DU	Mrs A. O'Brien; 517 [redacted]
516	DU	Mrs Z. S [redacted] Va.
517	M.DU.Inc	[redacted]
518	Heart Fail	[redacted] La.
519	[redacted]	Mrs W. [redacted] Calif
520	[redacted]	Mrs [redacted]
521	M.DU	Ralph B. [redacted]
522	DU	Mr. R [redacted]
523	M.DU	[redacted] 393, Jefferson Highway, New Orleans,
524	M.DU	[redacted] Parkwood [redacted] Toledo, Ohio.
525	DU	E. W. Bassett; 311
526	DU	[redacted]
527	Diphth	Mrs [redacted] e; 206 W. [redacted] New York, N. Y.
528	Diphth	Mr [redacted] Texas, N. Y.
529	M. DU	[redacted] Hartford, Conn.
530	Diphth	Mrs [redacted] Pro[redacted] Savannah, Ill.
531	M.Inc	Mrs [redacted] Mich.
532	[redacted]	Felipe [redacted] Dav[redacted], T. M.
533	M.DU	[redacted] T.
534	Diphth	Mrs J. Moore; Rt #3, Belton, Texas.
535	M.DU	Mrs Lena Skinner [redacted]
536	Diphth	Mrs J. [redacted] St., Silver City, N. M.
537	M	Mrs Myrtle Reilly; [redacted] Diego, Calif.
538	DU	Mrs J. Fracher [redacted], Jonesville, Misc.
539	M.DU.Inc	Rev C. Denner; 157 [redacted], Misc.
540	M.D.	Manuel G. Sanchez; [redacted] uerque, N. M.
541	DU.Inc	Mrs R. Erick [redacted]
542	DU	Mrs [redacted] Lessman; [redacted] St., Calumet, Ill.
[redacted]	M.DU	Mrs G. Alexander; 25 N. Clinton St., Harrisburg, Pa.
544	DU	Sister [redacted] 102 W. Travis Ave., (Clin Diagnosis)
545	DU	Mr Rey [redacted]son le; Mt Harris, Colorado.
546	Diphth	Mrs W. Hinkley [redacted]; 301 S. Sinclair St., Bengal, Ind.
547	[redacted]	Mrs Joseph Ingram; Severn, Md.
548	Chr	Mrs Felicita Tafoya; [redacted], Cabero, N. M.
549	[redacted]M	Mrs L. C. Snell; 727 S. Burlington, Los Angeles, Calif.
550	DU	Mrs Halverson; [redacted] Glendarrah Blvd., Los Angeles, Calif.
551	D	Mrs L. Graham; Louisville, Ky.
552	M.Inc	C. J. Lewis; 347 Alvarado St., Redland, Calif.
553	M.DU	Mrs Lena Levy; 106 [redacted] 30 Harrison Ave., Cleveland, Ohio.
554	Chr	Mrs Marie Crane; [redacted] 322 Seaford, Long Island, N. Y.
555	M.Inc	Vivian L. Walcott; 1126 Wellington Ave., Chicago, Ill.
556	M.Inc	Mrs Lena Stevens; Avenales, Calif.
557	DU	W. Matthias; 1405 Laurel St., Shreveport, La.
558	DU	Mrs Susie Wills; Rt #3, Jeffersonville, Ky.
559	DU	Mrs D. A. Pagel; [redacted] St., Hillsboro, Ill.
560	[redacted]	Mrs [redacted] C. Fechner; [redacted] W. Mitchell St., West Allis, Ind.
561	DU	Mrs C. M. Hughes; 1065 S. Jackson St., Jonesville Misc.
562	D	J. S. Martin; Ottawa, S. D.
563	DU	Mrs L. O. Wilson; [redacted] W. Market St., Warren, Ohio.
564	DU	Mrs [redacted] Cano; [redacted] S., Albuquerque, N. M.
565	DU	Charles F. Post; [redacted], Mt. Morris, Mich.
566	M.DU	[redacted] H. Smith; Dryden, Virginia.
567	[redacted]	

COMMONWEALTH LESSON PLAN BOOK

Grade

Date

Subject

Time

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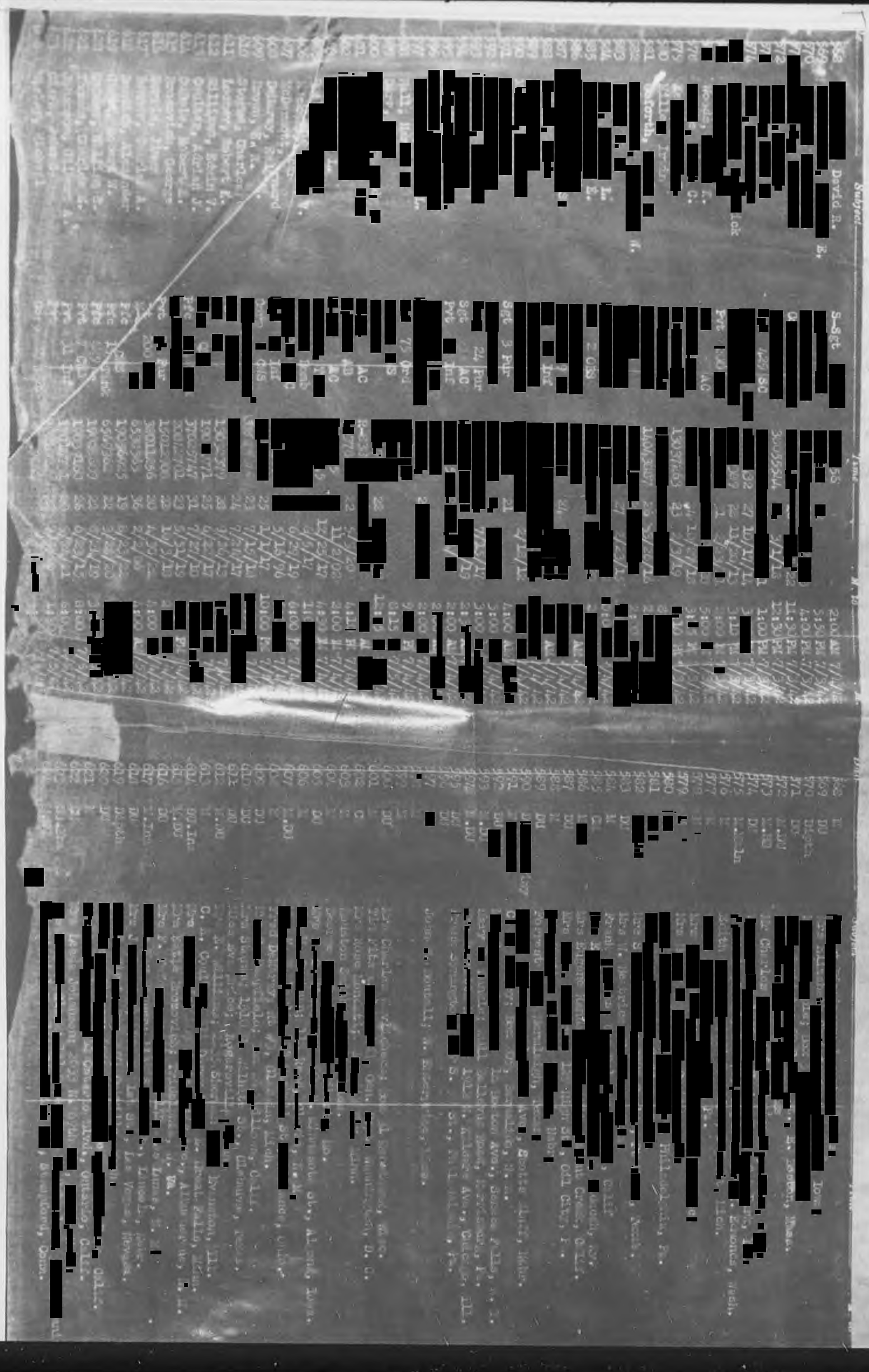
COMMONWEALTH LESSON PLAN BOOK

Date

Subject

Time



| Subject | Time | M. to | | |

627	[illegible], [illegible]	Pvt	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
628	Lemons, J. L.	Pvt	17 Sqdn	11.1.603	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
629	[illegible], [illegible]			[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
630	Mason, Harry J.	Pfc	19 AS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
631	North, Earl R.	Pfc	40C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
632	Nelson, Woodrow J.	Pvt	1st [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
633	Roper, Joseph J.	1st Lt	AMD	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
634	Fleming, Robert Paul	Pvt	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
635	Day, Alfred E.	Pvt	27 Sqdn.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
636	Summerall, Henry P.	Pfc	TD	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
637	Mowry, Victor L.	Sgt	1st Sqdn	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
638	Garrett, Perry C.	Pvt	1 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
639	Curtis, William J.	Pfc	AC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
640	Jones, Thos H.	Pvt	1st Sqdn	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
641	Atherton, Theodore	Pvt	27 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
642	Lucas, Eugene	Pfc	94th Sqdn	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
643	Moulton, James E.	Pvt	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
644	Boyle, Frank J.	Pfc	AC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
645	[illegible], Harry L.	Pvt	AC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
646	[illegible], [illegible]	Sgt	[illegible] AF	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
647	[illegible], Albert A.	Pfc	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
648	[illegible], Albert A.	Pfc	[illegible] SC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
649	Anderson, John A.	Pfc	94th	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
650	[illegible], [illegible]	Corp	3 C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
651	Curtis, Lewis M.	Pfc	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
652	Green, Clarence	Sgt	3 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
653	Gibson, William J.	Pvt	1st Tank	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
654	Sidgood, Gerald L.	Pvt	71 Bomb.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
655	[illegible], Arthur [illegible]	Corp	1 CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
656	White, Glen [illegible]	Pvt	19th Tank	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
657	Fernandez, M. E.	Pvt	1 CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
658	Pierre, Miguel L.	Pvt	30 CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
659	Barnett, Jesse [illegible]	Pvt	AC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
660	[illegible], Jack M.	Pvt	[illegible] AP	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
661	Wheeler, J.	Pfc	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
662	McAllister, Grover [illegible]	Pvt	27 Sqdn	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
663	Alvarez, Odell W.	Pvt	94 AS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
664	[illegible], [illegible] [illegible]	Pvt	45 Ord	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
665	Faber, [illegible]	Pvt	20 AS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
666	Taylor, Willie E.	Pvt	17 Ord	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
667	Tatro, Charles F.	Pvt	[illegible] AP	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
668	Race, Edward	Pvt	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
669	Sculptoon, George W.	Sgt	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
670	Liberty, Delbert E.	Corp	[illegible] Inf	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
671	Curtis, Frank	Pfc	24 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
672	[illegible], J. C.	Pvt	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
673	Jones, Curtis C.	Lst Lt	Inf	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
674	McFarland, David A.	Corp	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
675	Quintana, Martin	Sgt	3 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
676	Clayton, Delon F.	Pvt	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
677	Harrison, Henry	Pvt	[illegible] Ord	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
678	Williford, Ralph D.	Corp	[illegible] Inf	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
679	Warren, Roderick [illegible]	Pvt	1st [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
680	Jones, Robert L.	Corp	[illegible] CAC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
681	Shanks, LaVerne R.	Pfc	24 Pur	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
682	Aldine, John [illegible]	Pvt	[illegible] Ord	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
		Pfc	AC	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

627	DU	Mrs. [illegible] [illegible], [illegible] [illegible], [illegible]
628	DU	Mrs. V. Lemmons; [illegible], Centerville, Ga.
629	[illegible]	[illegible]
630	DU	J. Mason; [illegible] [illegible], N. D.
631	DU	Mrs. [illegible] North; [illegible] [illegible], Phoenix, Ariz.
632	DU	Mrs. M. T. Nelson; [illegible], Ala.
633	DU	Mrs. O. S. Roper; [illegible] [illegible], Oro Grove, Calif.
634	[illegible]	[illegible] [illegible], Greensboro, [illegible]
635	[illegible]	(Privat) Goodhope, Ill.
636	[illegible]	Mrs. [illegible] [illegible]; [illegible], Idaho.
637	[illegible]	Mrs. L. Howery; [illegible], [illegible] 670, Watsonville, Calif.
638	[illegible]	Mrs. C. J. Garrett; [illegible], Lorena, Texas.
639	DU	Mr. L. E. [illegible]; [illegible], Virginia.
640	DU	Mrs. Anna C. Johnson; [illegible] [illegible], Trenton, [illegible]
641	[illegible]	Mrs. A. Scherpen; [illegible] [illegible], Hartford, Conn.
642	DU	Mrs. [illegible] Lucas; [illegible] [illegible], Oklahoma City, Okla.
643	DU	Alice D. Moulton; [illegible], Santa Fe, N. M.
644	DU	Mrs Samuel Boyle; [illegible] [illegible], Baltimore, Md.
645	[illegible]	Mrs Ann Kelley; [illegible], Savannah, Ga.
646	[illegible]	Miss M. Jarvis; Florence, Colo.
647	[illegible]	J. A. Ward; [illegible], Charleston, [illegible]
648	[illegible]	Mrs Minnie L. Anders; Newspaper City, N. C.
649	[illegible]	Mrs. L. Lacy; [illegible], Bronx, New York, N. Y.
650	[illegible]	Mrs. L. A. Gibson; Rt #2, Tyler, Texas.
651	[illegible]	Mrs L. Curtis; Detroit Lakes, Minn.
652	DU	Mrs J. Green Sr.; [illegible], Fairfax, Calif.
653	DU	Mrs C. F. Simpson; [illegible], San Francisco, Calif.
654	DU	Mrs A. Sandoval; Taos, N. M.
655	DU	L. Colin; Salem, S. D.
656	DU.Ins	Magdalena Hernandez; Box 135, Tivoli, Texas.
657	DU	Mrs Rosa Pierre; Box 707, Las Cruces, N. M.
658	Cl.Ins	Otis L. Barnett; Council Grove, Kan.
659	DU	Mrs Sally T. Stoll; [illegible], Fair Road, Charlotte, N. C.
660	DU	Mrs J. D. Rhodes; Rt #1, McCaskill, Ark.
661	DU	Mrs C. C. McAllister; [illegible], Daniel St., Orlando, Fla.
662	[illegible]	Mrs Ida B. Alvarez; Box [illegible], Winston Salem, N. C.
663	[illegible]	[illegible], [illegible], Box [illegible], Warren, Pa.
664	DU	Mrs C. Rudi; [illegible], Vancouver St., Philadelphia, Pa.
665	DU	Mrs Edna Taylor; Rt #3, Marion, Ind.
666	DU	Mrs F. Donahue; New London, Conn.
667	DU	Mrs E. Race; [illegible], Box [illegible], Albuquerque, N. M.
668	[illegible]	Mrs J. B. Robinson; [illegible], W. 5th St., Roswell, N. M.
669	[illegible]	William Sherman; [illegible], Wallace, Idaho.
670	[illegible]	Mrs L. E. Dixon; [illegible], Arkansas
671	DU	[illegible] Curtis; [illegible], Dilla, N. M.
672	[illegible]	J. F. Fitzgerald; [illegible], Crescent Road, [illegible] Heights, Ohio
673	[illegible]	Mrs Edith Jones; Silver City, N. M.
674	[illegible]	Mrs [illegible] A. McFarland; [illegible], Allis St., Santa Rosa, Calif.
675	[illegible]	Mrs M[illegible], Peoria, N. M.
676	DU	Mrs C[illegible]; [illegible], Cooper St., Jackson, Mich.
677	[illegible]	Billy Harrison; Somerville, Mo.
678	DU	J[illegible], Gen Del., Aloha, Ore.
679	Eighth	Mrs L. [illegible], Artesia, N. M.
680	Eighth	[illegible], [illegible] E. Cross St., Mt Union, Pa.
681	Cl.DU	Mrs Frank Shank; [illegible], 147 Penn St., Pottsville, Pa.
682	[illegible]	Mrs J. L. Aldine; [illegible], S. Spruce St., [illegible], Kent.

(12)

Pvt	[redacted]										
Pvt	[redacted]										
Pvt	17 Comb	[redacted]									
Pfc	19 AS	[redacted]									
Pfc	QMC	[redacted]									
Pvt	194 Tank	[redacted]									
1st Lt	AUD	[redacted]									
Pvt	48 Mot	[redacted]									
Pvt	27 Comb	[redacted]									
Pfc	MPD	[redacted]									
[redacted]	194 Tank	[redacted]									
[redacted]	21 Por	[redacted]									
Pfc	AC	[redacted]									
P[redacted]		[redacted]									
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Pvt	[redacted]	[redacted]									
Pvt	[redacted]	[redacted]									
[redacted]		[redacted]									
Pvt	[redacted]	[redacted]									
3rd	[redacted] MP	[redacted]									
[redacted]	[redacted]	[redacted]									
[redacted]	[redacted] SC	[redacted]									
Pfc	[redacted] CAS	[redacted]									
[redacted]	QMC	[redacted]									
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[redacted]			38012459	22	10/13/19	5:30	[redacted]			
[redacted]			19017677	19	10/31/22	2:30	[redacted]			
[redacted]		Pfc	17002393	22	10/17/19		[redacted]			
[redacted]		[redacted]	[redacted]	[redacted]	9/12/22	AM	[redacted]			
[redacted]		[redacted]	[redacted]	22	6/20/20	[redacted]	[redacted]			
[redacted]		[redacted]	[redacted]	[redacted]	1/10/19	AM	[redacted]			
[redacted]		[redacted]	[redacted]	[redacted]	3/13/21	[redacted]	[redacted]			
[redacted]		Pvt	59	[redacted]	[redacted]	[redacted]	3:00	[redacted]		
[redacted]		[redacted]	[redacted]	[redacted]	25	2/13/17	3:45	PM	[redacted]	
[redacted]		[redacted]	[redacted]	36[redacted]	29	4/25/13	12:30	PM	[redacted]	
[redacted]		27	Mat	11013[redacted]	24	[redacted]	1:00	[redacted]	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	20	7/4/22	8:00	AM	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	23	2/1/19	10:45	AM	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	4:00	AM	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1:00	AM	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1:45	[redacted]	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	[redacted]	
[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

Subject [redacted] Time [redacted] Subject Time

[redacted]

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COMMONWEALTH LESSON PLAN BOOK

Grade

M.	Date	Subject	Time	M.

914 Shope, Robert Sgt 92 Bomb 6577653 45 7/26/21 1:00 AM 7/13/42
915 1902034 19 2/11/23 5:00 AM 7/15/42
916 Mungold; 16016294 21 2/17/21 5:00 AM 7/13/42
917 5:00 AM 7/13/42
918 5:00 AM 7/13/42
919 1 26 4/7/14 10:
920 Kendall E. 2nd Lt. 11:00
921
922
923
924 2:30
925
926
927 F.
928
929
930 32
931
932 McIntosh, CE

944 7 Lt

PF
Pvt

944 M.Ins

957

961 M.DU

967
968
969 M.Maln.
970 M.DU

ble;

Co
Lt.

Richmond St.,
Mrs G.
Pa
Tenn.
Utah.
Calif.
Tenn., N. M.
Co., Calif.
Minn.
Ga.
Mrs
Texas.
Pa.
Clar Calif.

Blg Misc.
Mr C. E. Johnson; Opportuni
Arquero McMahon; 1240 E San
Mr Ed Schawanek; Eastland,
Lorenzo Loveland, Clovis, N. M.

C[illegible]ONWEALTH LESSON P[illegible]BOOK

Grade

Subject _____ Time _____ M. to _____ M.

COMM[illegible]EALTH LESSON PLAN [illegible]OK

Grade

Date _____ Subject _____ Time _____ M. to _____

[redacted]

	Bryan, Norris S.	Pfc	Bomb	6592458	43			30	M		Mrs Minnie . Bryan;		Alhambra,
	Roy E.	Pfc	Pur	6587294	44			34			G. T. Kin ; Ponzer		
		Pfc	CE	32082065	25			35	D		anny l; 30		
		P	Sgt	6236507	35			36			l		
			CAC	17014147	19			37	CE U				
			Tank	20720091	30			38					
				287-40-32	21			39					
				13011128	22			1040					
				19061837	18			41					
				19014816				42					
				6932111	22			43					
				6858338	33			4	.DU				
				6754266	22			5	.DU				
				8-207208	29			6					
				6141401	24			7					
				38012176	27			8					
		Pfc	54	14041136	28			9	Ina				
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		C	31	0-21313				7					
		rt	511	38030988				8					
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			03	0-417679				60					
			00	38012587				1					
			515	20843		11		2					
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Valek, Antone

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Daniel C.

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Erfield, H. H.

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	Dowell, Walter E.	1st Lt	AC	0-411[illegible]	22	1/[illegible]					
	Miller, Clayton M.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]					
1070	Crane, Wilbur L.	Pfc	AC	1[illegible]4	[illegible]	[illegible]					
1071	Turner, Donald R.	Pfc	31 Inf	6[illegible]	[illegible]	6/[illegible]/19					
1072	Scott, Leo G.	Pfc	AC	6[illegible]	23	1/[illegible]/1[illegible]					
1073	Ridgeway, Melvin L.	Pvt	1[illegible] Bomb	1[illegible]							
1074	Brumlaugh, William	T-Sgt	27 [illegible]	6-1[illegible]	[illegible]	[illegible]					
1075	LaVelle, [illegible] C.	Sgt	[illegible] CAC	[illegible]	[illegible]	[illegible]					
1076	Vorm, Milton M.	Pvt	1[illegible] Bomb	1[illegible]	[illegible]	[illegible]					
1077	Wheeler, W. A.	Pfc	[illegible] Co	[illegible]	[illegible]	1/11/[illegible]					
1078	Chapman, Raymond	Pvt	[illegible]1 CAC	[illegible]	[illegible]	1/[illegible]/1[illegible]					
1079	Vorm, Warren F.	Sgt	[illegible] Bomb	1[illegible]	[illegible]	[illegible]/1[illegible]					
1080	Lackey, Donald T.	Sgt	[illegible] Inf	[illegible]	[illegible]	1/1[illegible]					
1081	Hall, Maxwell L.	Pvt	Q.C	[illegible]	[illegible]	[illegible]/1					
1082	Beaty, Elliott	T-Sgt	1[illegible] [illegible]	[illegible]	[illegible]	[illegible]/[illegible]					
1083	Pierce, Bernard	Pvt	31 Inf								
1084	Bertsch, David J.	Pvt	AC	11[illegible]							
1085	Levinson, H. S. Jr.	Pvt	1[illegible] Bomb	1[illegible]	1						
1086	Ewell, Burton	Pfc	31 Inf	1[illegible]		[illegible]/[illegible]					
1087	Yanolavitz, Leonid	Pfc	1[illegible] Bomb	[illegible]							
1088	Fisher, Byron W.	Pvt	31 Pur	1[illegible]	1	1[illegible] 1/1/[illegible]					
1089	Vanlue, Lillie L.	Pfc	[illegible]6	1[illegible]	[illegible]	[illegible]/[illegible]/[illegible]					
1090	Wilson, [illegible] R.	T-Sgt	[illegible] Pur	[illegible]	[illegible]	[illegible]					
1091	[illegible], [illegible] A.	Pvt	[illegible]	[illegible]	[illegible]	[illegible]/[illegible]/[illegible]					
1092	Hopkins, Robert D.	Pvt	CAC	[illegible]	[illegible]	[illegible]					
1093	Carpenter, Paul S.	Pfc	[illegible]	1[illegible]	1	1/1/[illegible]					
1094	[illegible], [illegible] J.	Pvt	1st CAC	1[illegible]	1	1/1/[illegible]					
1095	Sullivan, [illegible] Q.	Pvt	[illegible] CAC	[illegible]	[illegible]	[illegible]/[illegible]					
1096	Hazlet, Thomas E.	Pfc	31 Inf	[illegible]	[illegible]	[illegible]/[illegible]					
1097	[illegible]. C.	T-Sgt	[illegible] CS	[illegible]	[illegible]	[illegible]					
1098	[illegible]	Pfc	31 Inf	[illegible]	[illegible]	[illegible]/[illegible]					
1099	Cocco, Alex[illegible]	T-Sgt	CAC	8-[illegible]	33	[illegible]/1/[illegible]					
1100	A[illegible] John	Corp	[illegible] CAC	[illegible]	22	7/[illegible]/[illegible]					
1101	[illegible] [illegible] D[illegible]	Pvt	1st [illegible]	3[illegible]	27	[illegible]/1/[illegible]					
1102	Darr, Roger C[illegible]	Pfc	1st [illegible]	2[illegible]	25	1/[illegible]/[illegible]					
1103	Carcoran, [illegible] F[illegible]	Pvt	[illegible]	1[illegible]	21						
1104	Jac[illegible]	Pfc	AC	11016594	20	7/20/22					
1105	[illegible] L.	Pvt	31 Inf	6[illegible]	25	5/20/[illegible]					
1106	[illegible] R[illegible]	Pfc	[illegible] Bomb	1[illegible]	21	8/[illegible]/[illegible]					
1107	[illegible] G.	Sgt	[illegible]	1[illegible]	27	[illegible]/[illegible]/15					
1108	Jodi[illegible]	Pfc	[illegible]	17[illegible]	21	1/[illegible]/[illegible]					
1109	[illegible]	Pfc		[illegible]	40	[illegible]/[illegible]					
1110	[illegible]	Sgt	[illegible] Inf	[illegible]	[illegible]	[illegible]/17/[illegible]					
1111	[illegible]	1st Sgt	3[illegible] [illegible]	[illegible]	29	1/1/15					
1112	Costo[illegible]		[illegible]	1[illegible]	21	11/[illegible]/21					
1113	Poulsen, Warren W.		[illegible]								
1114	[illegible]	S-Sgt	F.D.	[illegible]	31						
1115	[illegible]	[illegible]	303 CE	1[illegible]	[illegible]	[illegible]/[illegible]/17					
1116	[illegible] [illegible]lter	[illegible]	31 [illegible]	1[illegible]							
1117	Porter, William F[illegible]	[illegible]	803 CE	1[illegible]	[illegible]	[illegible]/[illegible]/[illegible]					
1118	Landis, George M.	Pvt		13030359	20	6/15/22					
1119	Kiewel, Douglas F.	[illegible]	[illegible] Pur	[illegible]	22	7/31/19					
1120	Ticken, Hubbard J.	[illegible]	[illegible]	[illegible]	23	7/27/18					
1121	Sherman, Glen M.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]/[illegible]/[illegible]					
1122	Whitmore, Llewelyn B.	[illegible]	[illegible]	[illegible]	26	7/27/15					
1123	Yarmalovics, Tony	[illegible]	303 CE	6[illegible]	26	3/[illegible]/16					
1124	Lahnar, Clarence E.	Corp	31 [illegible]	17[illegible]	22	11/1/19					
1125	Dewey, Leland K.	Pvt	[illegible]	[illegible]-16507							
1126	Masters, Ray E.	Pvt	803 CE	3[illegible]							

Time | Subject | Date

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1088	[illegible]										
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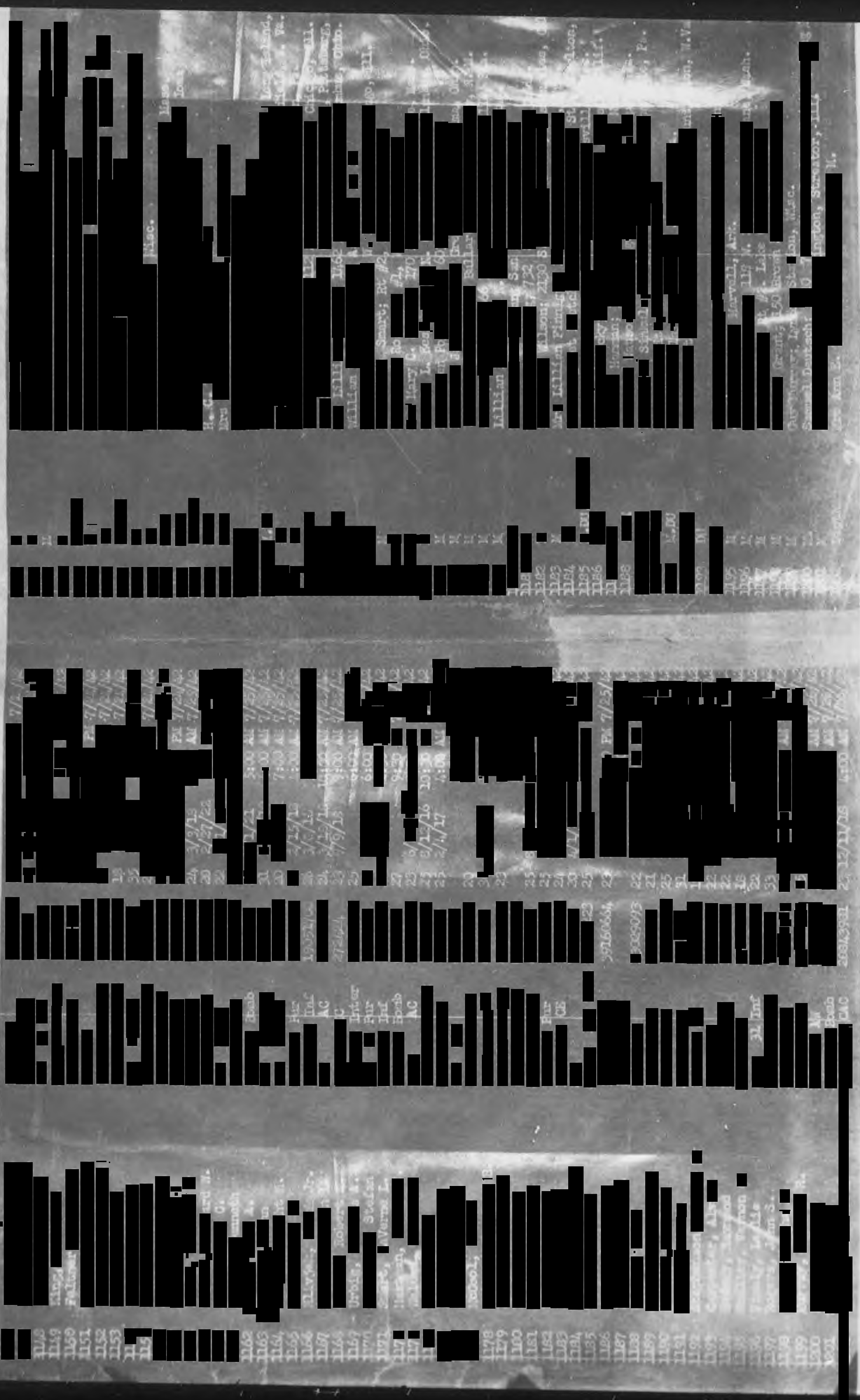

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Subject [redacted] Time [redacted] M. to [redacted] M.

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Wilson,

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COMMONWEALTH

COMMONWEALTH LESSON PLAN BOOK

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COMMONWEALTH [redacted]

Name [redacted] Date [redacted] Subject [redacted]

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[redacted] Elton B. [redacted]

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M-Sgt 91 [redacted]

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[redacted] Inf [redacted] 504 MP [redacted]

[redacted] D.E.M.L. [redacted]

[redacted] QMC [redacted]

[redacted] 1432 DU [redacted] 1433 DU [redacted] 143[redacted] M [redacted] M.DU [redacted] M.DU [redacted] DU [redacted] M [redacted] DU [redacted] DU [redacted] 1458 DU [redacted] M [redacted] M [redacted] M.DU [redacted] M.DU [redacted] 1475 DU [redacted] 1476 DU [redacted] DU [redacted] M.DU [redacted] M [redacted] M [redacted]

[redacted] Canton, [redacted] Va. [redacted] Idaho. [redacted] Texas. [redacted] North Carolina [redacted] Mrs C. D[redacted] Pocatello, Idaho [redacted] Mrs O. K. [redacted] Park, Calif [redacted] Mrs Dolly [redacted] Texas [redacted] Mrs Paula [redacted] Meriam, Ind. [redacted] Pittsburgh, [redacted] Wash. [redacted]

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T.

James J.

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Sgt AC

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DEAL

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3/21/42

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Mid

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Mid

Bomb

1/10/16

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1546	Rogers,		Pvt		38008552					
1547					17018783					
1548			Pfc	CAC	38018620	27	12/ /18			
1549	Leonard,			192 Tank	20638463	25	8/12/17			
1550			Capt	CE	0-					
1551	Pitzer,	Richard G.	Pfc	CAC	2038,8975		8/29/22			
1552	Campbell,		Pvt			28	2/7/14	12:00		
1553	Merrill,					21				
1554	Shumate,				0-358900	42	3/ /00			
1555	Zeis,	George H.		192 Tank	35020746	21	8/29/20			
1556					3038,146	27	1/13/13			
1557			Pvt	7 Inf	19031187	21	11/23/20			
1558					11037790	26				
1559		George W.								
1560		Neil								
1561		John	Capt	Inf	0-388764	33				
1562					38020472	21				
1563			Pvt		19017993					
1564			Pvt	1	1101,2654					
1565			Pvt		38012440	22				
1566					38012175	22	3/13/19			
1567						30				
1568	Rose,	Roy L.	Civilian			55	7/6/92			
1569			Pvt			28	2/17/14	9:30		
1570				204 CAC	38012389	24				
1571						22	9/13/19			
1572						26				
1573						23	1/10/19	9:30		
1574						24				
1575						23				
1576	S	Charles F.	Pfc		6278409	24	6/27/18			
1577			Pfc			23	5/5/19			
1578		G.				27	4/15/15			
1579		D.	Pfc	192 Tank	2064,193	22	12/3/19	10:00		
1580					6954227	22	8/26/20			
1581			Pvt	27 Inf.	11019686	27	9/21/14			
1582				803 CE	39293543		9/25/18			
1583			Major	M.C.	0-308031	41				
1584		T.	Corp			23		12:30		
1585		Bert	Pvt			23				
1586				192 Tank	36111524	29				
1587			Pvt	17	6132083	30				
1588					6569825	25				
1589				192 Tank	39231797					
1590		A.				23		2:00		
1591						29				
1592		Robert J.				30	12/25/18	8:30		
1593						24				
1594						26				
1595		W.	Pvt	93	20305266	23		30		
1596			Pvt	31		24				
1597										
1598			Pvt	Co	1905,714	24				
1599		E.	Capt	M. C.						
1600		M.	S-Sgt	QMC						
1601			M-Sgt	AC						
1602			Pvt	31 Inf						
			Pvt	Qmc						

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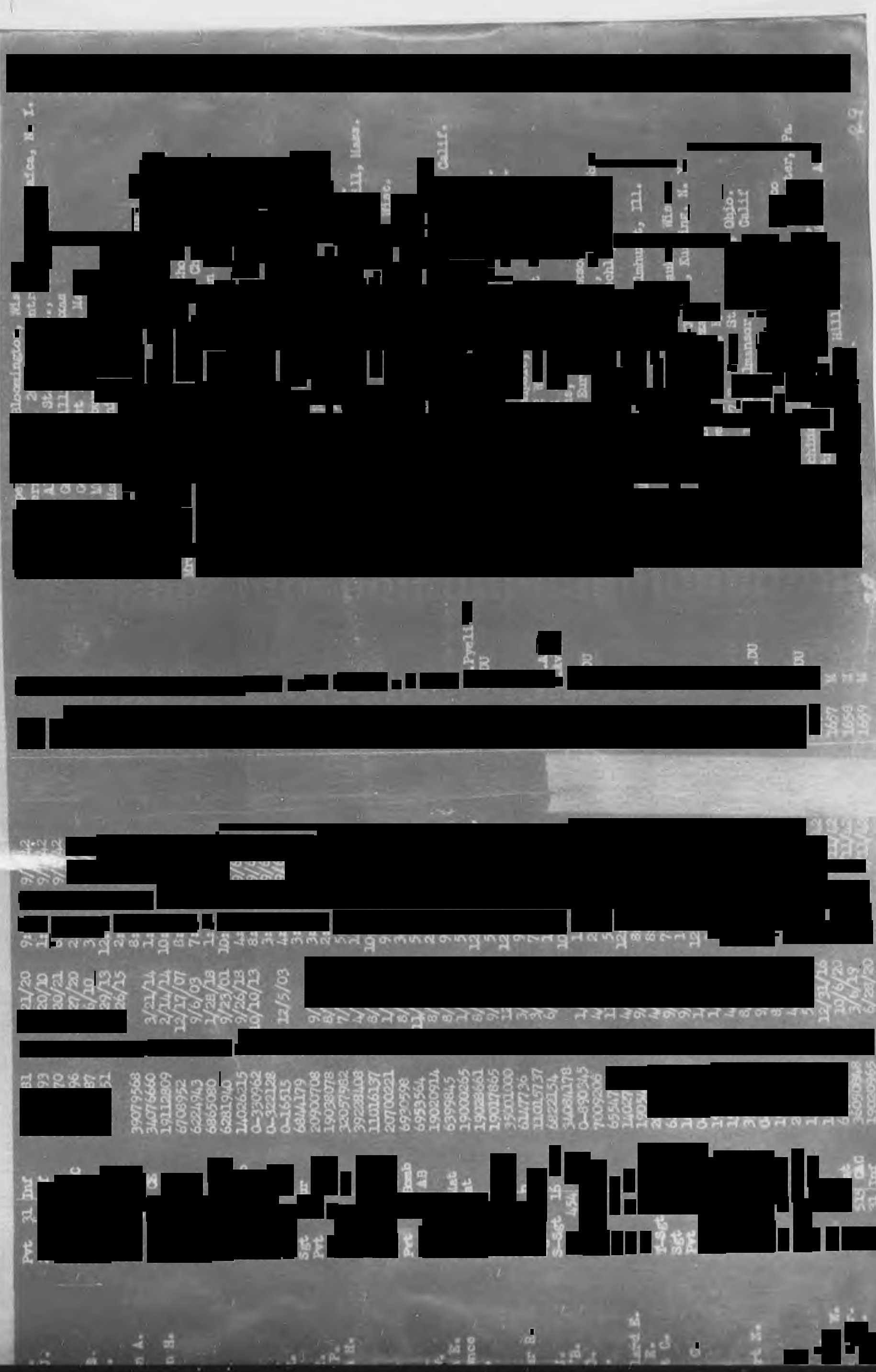
1585						
1586						
1587	DU					
1588	DU					
1589	DU					
1590	DU					
1591	Divorce					
1592	Abdom. Injury					
1593	DU					
1594	DU					
1595						
1596	Cer.Accident					
	DU					
	Cancer					
	DU					
	DU					
1600	DU					

[redacted]



[redacted]

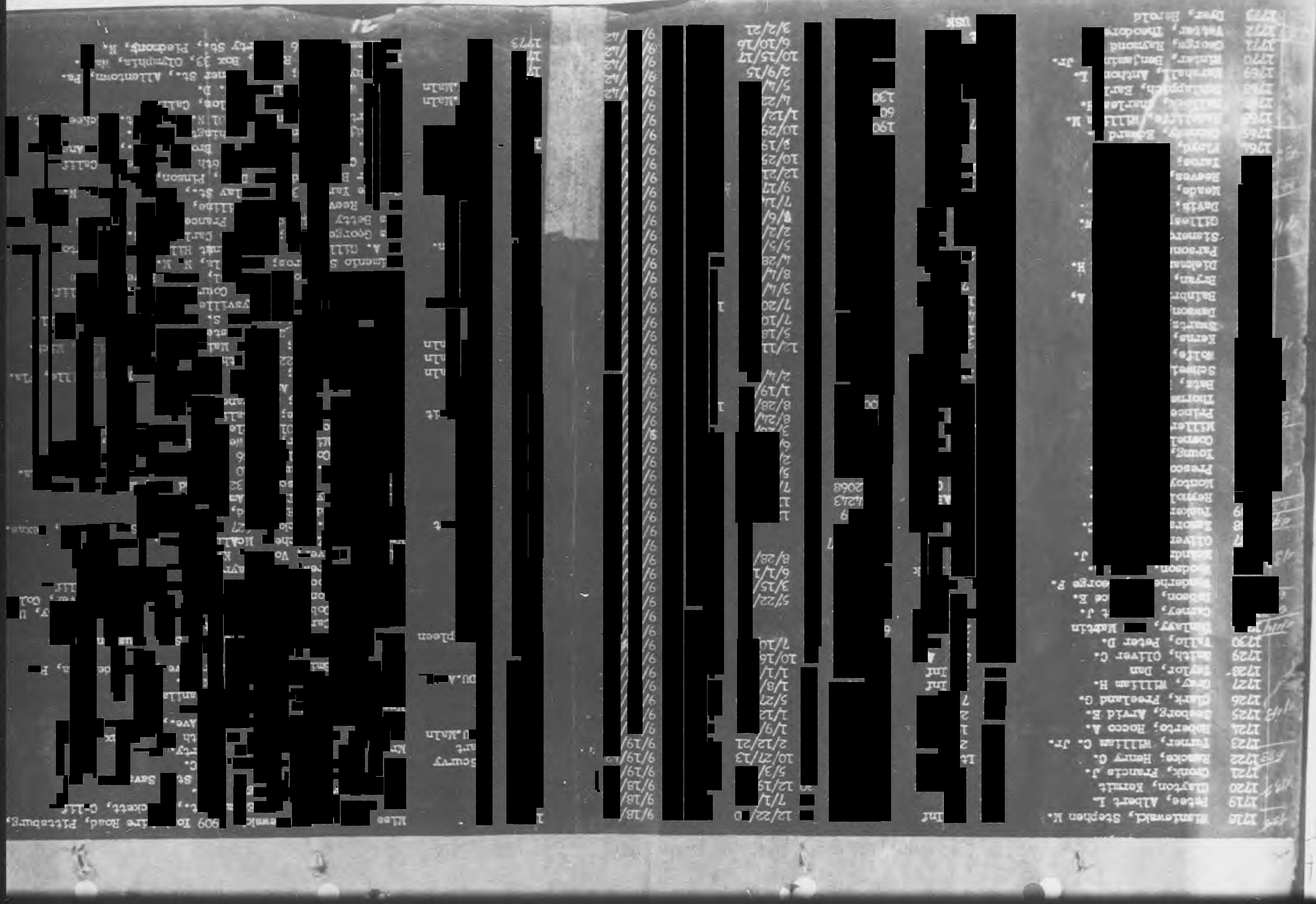
Subject [redacted] M.

Date [redacted] Subject [redacted] Time [redacted]

[redacted]

Manila,

Calif.



M.DU.Main

Calif.

COMMON [redacted] LAW 80 [redacted]

Subject [redacted] M. to [redacted] M. Date [redacted]

COMMONWEALTH LESSO [redacted] LAN [redacted]

Subject [redacted] Time [redacted] Grade

[redacted]

Inf

Inf

[redacted]

10/1/42

[redacted]

M.Maln.Avit

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M.DU.Maln

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DU

DU

M.Maln

M.DU.Pel

M.DU.Maln

M.DU.Maln

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M

M.DU.Maln

M.DU

M.DU.Ane

M

[redacted]

Mrs M. Parcue; Rt #), Box 85, [redacted], L.

T. M. Devereux; Hauser, Ore.

[redacted]

Ave., Minneapolis, Mi

Carlisle Ave., Sacramento

Minn.

Bancroft, Idaho

[redacted]

Mrs [redacted] Cave, [redacted]

Mrs [redacted] ich; Memphis, Minn.

[redacted] St., Tallahassee,

[redacted] Salinas, Calif

Mrs Isabell [redacted] Argos, [redacted]

Mrs [redacted] 1043 Superior, [redacted]

Mrs Mary [redacted] rter; Fa[redacted] Idaho

[redacted] ter; 11[redacted] St., Minneapolis,

[redacted] Tellez; 10[redacted] Ave., St Louis, Mo.

[redacted] Hancock, [redacted] ich.

[redacted] Astor Pl.; [redacted] San Francisco

[redacted] k; Rt #6, [redacted] Pa.

[redacted] N. Y.

[redacted] Sacramento, Arkansas Street

[redacted] Saratoga, Calif.

[redacted] Washington

[redacted] Pasadena, Calif

[redacted] Tempe, Ariz.

[redacted] Savannah, Ga.

[redacted] E. White; Florence, Miss.

[redacted] Coulter; [redacted] N. Jackson, [redacted] Ga.

[redacted]

COMMONWEALTH LESSON PLAN BOOK

Subject _____ Time _____ M. to _____ M.

Date _____ Subject _____ Time _____ M. to _____

Pfc 91 Bomb
Sgt AC
Pvt 803 CE
Pvt 454 Ord
Pvt 31 Inf
Corp 31 Inf
S-Sgt. 3 Pur
CWT USN
Pvt 192 Tank
Pvt 194 Tank
Bomb

Pur

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[redacted] Pfc 13030274 23 [redacted]
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12/2/17

2nd

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DU

DU.Main

CU
Heart

Miss.

Iowa

Manila.P.I.

34

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10/1 /42

10/14/

3
4:00 AM
4 AM 10/15/42
4:00 AM 10/15/42

42

FEAF
USMC

1976

1965

M.D'.Main

Inc

D'.Inc Avit

D'
M.D'.Main
39

Mrs [redacted] Ave., Ohio,
[redacted] Misc.
[redacted] Ardmore, Okla.
Mrs [redacted] Ariz.
[redacted] N. Williams St., Compton,
[redacted] St., Melrose,
[redacted] Harbor Park,
Mrs [redacted] Dearing, N. D.
Mrs Sadie [redacted] N. D.
Mrs [redacted] Apartments, Annapolis,
[redacted] 333 Park Ave., River Forest, Ill.
[redacted] Richard St., Decatur, Ill.
[redacted] ey, Idaho
[redacted], Kilmarnock, Miss.
Mrs. [redacted] 208 6th St., Little Valley, N.
[redacted] Line, [redacted]
[redacted] Phillipsburg, N. J.
[redacted] 5811 Katy St., Houston,
[redacted] Ln., Colon, C. Z.
Mrs [redacted] The Plains, Ohio.
[redacted] 1 Nye St., Sinnerville, Pa.
Fred Zk: [redacted] Chicago, Ill.
[redacted] San Jose Ave., Sacramento,
Mrs [redacted] Lrs.
H. [redacted] Box 1, Wiley, Miss.
Mrs [redacted] 115 St. Augustine., St Augustine,
Mrs A. Evans; 10 West Main, Jeffersonville, Ohio.
Mrs [redacted] 61 S. Broadway, Lake Linden, Mich.
[redacted] Republican City, Neb.
[redacted] Monroe 1930 N. 4th St., St Joseph,
[redacted] St. Jo, Temple, Texas.
G. M. Upejoe; [redacted] Albemarle, N. C.
[redacted] 2nd S. 11th St.,
Mark [redacted] Martin St., Franklin, Tenn.
Mrs [redacted] McKee; Mp, 1 Huntington St., Boston,
Mrs S. [redacted] Grimes; 700 Blanco St., Austin,
[redacted] 1 Potts ille St., Minersville, Pa.
[redacted] Box 143, Stanford, Mont.
Walter [redacted] y, N. Y.
[redacted] Clay [redacted], Colo.
[redacted] 3rd Ave., Oakland, Calif.
F. D. Carlson [redacted] Broad St., Atlanta,
Mrs Daisy Lester [redacted] Belvo St., Dallas, Tex.
Mrs Lill. [redacted] 1 Locust St., [redacted]
[redacted] Wood, N. D.
Mrs [redacted] C. Trembly; Michigan, Pa.
Mrs Ina Gibson; St [redacted] Okla.
Frank P [redacted] Box 22, Oakland, Md.
[redacted] Penn St., Denver, Colo.
[redacted] Box 32, Lundy, Va.
[redacted] 1 Hall, Texas
Dr. Oliver [redacted] 1st Methodist Church,
M. J. Mathias; 1307 Logan St., Norfolk,

35

2:00 AM

MP

Pfc PFAF
Pfc C
PA

DU
M.DU.Main
M.DU.Main
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M.DU
DU.Inn
M.Main
DU
DA.Main
DU
1983
DU.Main
M.DU.Main
Dipth
DU
DU.Inn Avit
1992 DU.BB
1993 M.DU
DU.BB
M.Avit
DU
M.DU.Main
BB
1999 Avit
2000 Dipth

Mrs Grace Arld.
Compton, Calif.
Melrose, Mass.
Colchester Port., Conn.
Deming, N. M.
Valley Blvd., El Monte, Calif.
Lovington, N. M.
Cooper Apartments, Annapolis, Md.
River Forest, Ill.
Ill #3, Burley, Idaho
St., Milwaukee, Wisc.
., Little Valley, N. Y.
Ill., Chico, Calif.
Minersville, Pa.
Ill.
2313 Dawson Ave, Sacramento, Calif.
Grace Wallace; Albany, Ore.
Mrs. M. [illegible] Ave., Ontario, Calif.
Ida E. Stanton; Republican City, Nebr.
Monroe: 1709 N. 4th St., St Joseph, Mo.
Dukatnik: [illegible] Burley, Idaho.
G. L. [illegible]
Mack Terry; S. Martin St., Greenville, Texas.
Mrs A. [illegible] McGee; No. 1 Huntington St., [illegible], Texas.
Mrs E. [illegible] Grimes; 308 Blanco St., Dublin, Texas.
[illegible] St., Wisconsin, Wis.
[illegible] Stanford, Conn.
[illegible]
[illegible] Colo.
Mrs S. L. Peters; [illegible] Ave., Colorado Springs, Colo.
F. D. Carlson; [illegible] St., Auburn, Nebr.
Mrs Daisy Lester; [illegible] Ave., Lincoln, Nebr.
Mrs Lilly Hopper; [illegible] Lincoln Ave., Steamboat Springs, Colo.
Mrs [illegible] Hood, [illegible]
Mrs [illegible] Phoenix, Ariz.
Mrs Ann Gibson; [illegible]
[illegible] Darling; [illegible] Ave., Long Beach, Calif.
Mrs B. Alcock [illegible] Lee Ave., Long Beach, Calif.
[illegible] Orange St., Denver, Colo.
Charles [illegible] Laredo, Texas
Mrs Evelyn O'Do[illegible] Mineral Wells, Texas
[illegible] Methodist Church, [illegible]
M. J. [illegible] St., Norfolk, Nebr.

35

[redacted]

[redacted]

2058
2059 Mrs Daley

111.

T.

College Point, N. Y.

Mr

Mrs Nellie Combs;
Mrs

Davis,

Holman, Elliott

Blobo,

Henry J.

Harland

Melvin J.

William F.

Richard A.

Floyd E.

7/19/1

315

6671009
32092573
20938906
6864788
15016369
0-362072

1st

[redacted]

2nd Lt 92 Inf 0-890380

38

Calif.

Ill.

[redacted]

Grade

Subject [redacted] Time [redacted] M. to [redacted] M.

[redacted]

38

[redacted]

		Pvt	2d	92	Inf			9:45	PM
				23rd	CAC			10:00	PM
		Pvt	1A	Prob				11:55	AM
		Pvt	37	Engr				4:00	PM
		Cpl	34	Fld				2:00	PM
		Pfc	31	Inf				1:45	PM
		Sgt	308	MP				11:30	PM
		Mech		QMC				0:15	PM
		Pvt	31	Inf				2:15	PM
		Pvt	17	Tank				10:45	AM
		Sgt		QMC				3:00	PM
		Serg	24	Fld				1:30	PM
		Pvt	40	CAC				1:15	PM
		1st	Lt	31	Inf			11:15	PM
		Sgt		Sig				9:30	AM
		Pfc	11	Inf				2:45	PM
		Pfc	308	MP				2:30	PM
		Pfc	132	Tank				10:30	PM
		Pfc	303	QM				9:30	AM
		Pvt	59	CAC				3:30	PM
		1st	Sgt	17	Inf			11:15	PM
		Sgt		Sig				9:00	PM
		Pvt		AC				2:00	PM
		Pvt		CAC				5:30	PM
		Sgt		Inf	Obs			4:30	PM
								3:30	PM
		Pfc	27	Mob				7:00	PM
		Pvt	27	Mob				7:00	PM
		Sgt	31	Inf				4:00	PM
		Corp	304	CAC				4:30	PM
		Corp	7	Mot				4:00	PM
		Pvt						5:45	PM
		Pfc	QMC					4:30	PM
		Pfc	K. D.					9:00	PM
		Sgt	304	CAC				$:30	PM
		Sgt	132	Tank				8:30	PM
		1st	Lt	4	Inf			9:00	PM
		Sgt		28	Mob			11:00	PM
		Cpls		QMC				4:00	PM
		1st	Lt	CAC				3:30	PM
		Cook		AC				2:30	PM
		Sgt		304	CAC			10:00	PM
			13	Inf	Inf			11:30	PM
		Sgt		QMC				5:30	PM
		Pfc	F. D.					4:15	PM
		1st	Lt	CE				4:30	PM
		Pfc	11	Inf				9:00	PM
		Pfc	11	Comb				4:30	PM
		Pvt	310	CAC				10:30	PM
		Sgt	11	Inf				9:30	PM
		Pvt	59	CAC				10:00	PM
		Pfc	F. D.					9:00	PM
		Pvt	11	Inf				4:30	PM
		Pvt	132	Tank				10:30	PM
		Pvt	132	Tank				4:30	PM
		Pvt	7	CAC				4:30	PM
		Pvt	132	Tank				4:30	PM
		Serg	31	Inf				3:30	PM

2135	Ina	Mrs [illegible] St.Pl., Box 24., [illegible], Ala.	699
2136	Ina	Mrs [illegible]; 411 N. 40th St., Fort Smith, [illegible].	700
2137	DI	Mrs Celia Moreley; 70 Ave E., Chelsea, Mass.	700
2138	DI	Mrs Ida C. Arrigal; 14 Hamilton St., Providence, R. I.	700
2139	DI	Alice L. Heller; 207 W. Virginia St., Bellaire, Texas.	611
2140	DI	Edgar S. Lewis, Pt Pl., Box 157, Little Rock, Ark.	700
2141	DI	Mrs Rosa Vitelli; 108 East, Ashland., Pa.	700
2142	Dipth.Heart	Mrs Mary Garcia; 707 School St., Alameda, Calif.	700
2143	Ina	Orvine Chamberlain; Litchfield, Mich.	711
2144	Ina	Mrs Dorcas Pearl Dacon; 2107 State St., Redding, Calif.	711
2145	Ina	Mrs Mary Sullivan; 810 Lincoln Ave., Schenectady, N. Y.	711
2146	DI	Mrs H. T. Richardson; Portola Route, Hartonge, Calif.	711
2147	DI	Mrs Mary Bertram; Rt #2, Republic, Mo.	711
2148	DI	Mrs Jesse E. Smith; Rt #3, Milledgeville, Ga.	711
2149	DI	Mrs Rose Darelicke; 2900 Olive St., Kansas City, Mo.	711
2150	DI	Mrs Edith Rasmussen; 1035 Louisiana St., Vallejo, Calif.	711
2151		Mrs Mary Clark; 1901 Park Road, NW., Washington, D. C.	700
2152	DI	Mrs Rose L. Phillips; 705 S. Pearl St., Jonesville, Miss.	707
2153	Ina	Mrs E. E. Beard; Rt #2, Fort Lauderdale, Fla.	707
2154	Ina	Mrs George Eddy; 117 Grove Ave., Melrose, Mass.	707
2155	Ina	Mrs Sarah Proctor; 1[illegible] San Pedro Ave., San Antonio, Texas.	707
2156	Ina	J. M. Watson; Mortimer, Calif.	707
2157	Pel	W. L. Morris; Dawlis, Texas	707
2158	Pel	Mrs Myrtle M. Eriksen; 1727 175th St., Hollis, Ill.	900
2159	DI	George M. Crowder; Williams, Minn.	900
2160	DI	William J. O'Brian; 34 Seminole Parkway, Buffalo, N. Y.	900
2161	DI	Mrs E. C. Moffatt; 614 13th St. S., Fargo, N. D.	900
2162	DI	Michael Sussy; Box 614, New Canaan, Conn.	900
2163	Pn.Heart	Mrs Dana Toadler; Box 190, 870 #1, Houston, Texas.	900
2164	DI	Claude E. Stargell; Crovi, Okla.	900
2165	Ina	Mrs Betty Durbin; 503 California Ave., El Monte, Calif.	900
2166	Ina	Mrs E. G. Harris; 2110 W. Cary St., Richmond, Va.	907
2167	Pn	Francis Mirtel; 46 Washington Ave., Luzerne, Pa.	907
2168	Ina	John L. Gallenberger; 23 1st St., North Tonawanda, Pa.	907
2169	DI	Mrs Rhode Gomez; 306 E. Solano St., Albuquerque, N. M.	907
2160	DI	Arthur M. Bailey; 311 S. 3rd St., Janesville, Misc.	907
2161	DI	Mrs Russell Thomas; 918 Earle Ave., Dayton, Ohio.	611
2162	DI	A. C. Ahlberg; 2423 Quincy St. NE., Minneapolis, Minn.	907
2163	DI	Mrs K. Heidmann; Leavert, Misc.	907
2164	DI	E. E. Merrill; 320 S. Harper St., Big Rapids, Misc.	611
2165	Pneu	Mrs J. L. Christianson; c/o Philippine Long Distance Telephone Co	661
2166	Pel	.. L. Harris; Rt #1, Box 347, Albuquerque, N. M.	907
2167	Pel	Mrs W. Cornell; Post Washington, N. Y.	688
2168	DI	Mrs Lillian L. Harris; 208 E. Pest St., St Louis, Mo.	911
2169	DI	Arnold A. Prescott; c/o Peoples Fisac Co., Grand Forks, N. D.	913
2160	DI	Mrs Gilbert Fuller; 611 Calliron Ave., Las Vegas, N. M.	913
2161	DI	Mrs E. G. Howard; Rt #1, Easton, Pa.	913
2162	DI	Mrs Ollie P. Willis; Belmont Ave., Tifton, Ga.	913
2163	DI	Mrs F. Rosalado; Arabela Route, Tiaco, N. M.	908
2164	Pel	Theodore C. Padgette; 3711 Gordon Ave., W. Palm Beach, Fla.	908
2165	DI	Charles Marton; 3617 3rd Ave. West, Hibbing, Minn.	908
2166	Ina	Oscar Scott; 5475 Harper Ave., Chicago, Ill.	908
2167	Ina	Fred Pinks Sr., Peonia, Colo.	908
2168	Ina	Mrs Zelda Peart; 600 N. Taylor St., Corville, Ore.	908
2169	DI	Mrs Mary Gordon; Merrifield, Minn.	909
2170	DI	Mrs John Fecker; Alberta Pond, Misc.	909
2171	DI	William Goff; Delavan, Misc.	909
2172	DI	Mrs Grace Toorated; 130 W 2nd North St., St Anthony, Idaho.	909

[redacted]

Dimagan

[redacted]

Calloway, Seymoure

[redacted]

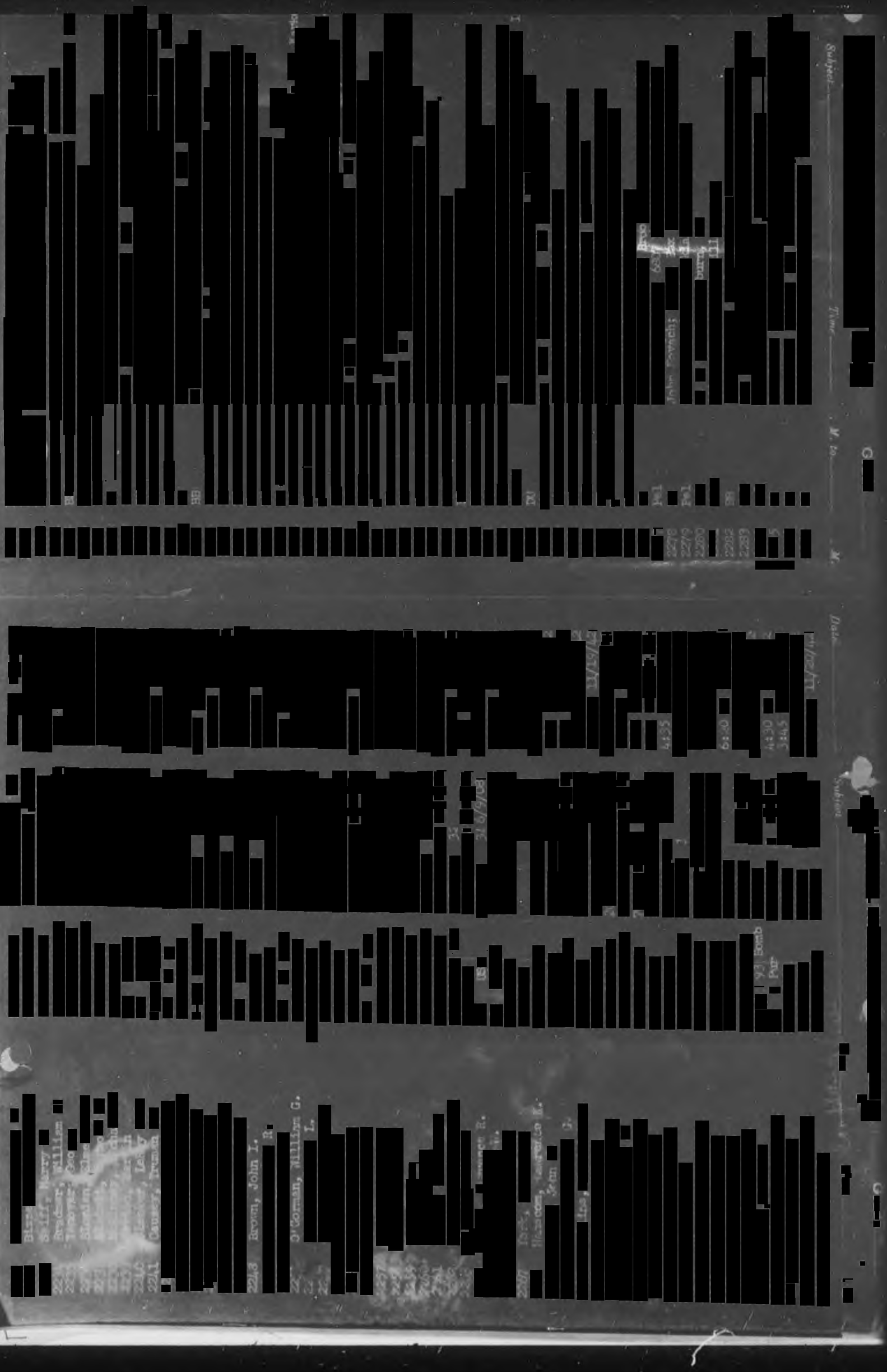
Ky

[redacted]

lorida

[redacted]

[redacted]



[redacted] Grade [redacted]

Date [redacted] Subject [redacted] Time [redacted] M. to [redacted] M.

[redacted]

[redacted] Subject [redacted]

[redacted]

[redacted]

Harden, Allen G.

[redacted]

[redacted]				25	9/24/[redacted]		11/20/42
[redacted]				[redacted]	2/8/[redacted]		
[redacted] C.			35	22	3/3/20	5:00 PM	
[redacted], Wayne L.			[redacted]	26	[redacted]		11/20/42
[redacted] J.,				[redacted]			
[redacted] K.						5:00 PM	11/20/42
[redacted]ld Kent		31 Inf		2	[redacted]		
[redacted] L.				[redacted]		PM	11/21/42
[redacted] H.				[redacted]			
[redacted] J.			3822[redacted]	3	[redacted]		
[redacted] D.			3701[redacted]385	3	8/20/19[redacted]	PM	11/21/42
[redacted] M.		Tank	2064[redacted]5	1	[redacted]	10:30 PM	11/21/42
[redacted]			3723[redacted]89	1	[redacted]		11/21/42
[redacted]er D. Jr.,		S-S[redacted]		3	[redacted]		
[redacted] Craig		S-Sgt 803 CE		3	[redacted]		11/21/42
[redacted]eth L.		S-Sgt		[redacted]	[redacted]		
[redacted] Robert E.		[redacted]		2	[redacted]		
[redacted]ence K.				2	12/11/18		
[redacted]				3	12/16/12		
[redacted]d L.		Pvt [redacted]	3-740[redacted]89	6	1/16/77		
[redacted]ward L.			35015[redacted]91	2	[redacted]		
[redacted]k C.		Sg[redacted]	6025[redacted]21	[redacted]	[redacted]		
[redacted]ert H.				28	[redacted]		11/22/42
[redacted] L.			?	2	[redacted]		
[redacted] H.				[redacted]	[redacted]		
[redacted]				[redacted]	[redacted]		11/22/42
[redacted] H.				3	[redacted]		
[redacted],		Capt		[redacted]	[redacted]		
[redacted]old F.			0-2286380	[redacted]	[redacted]		
[redacted]rt G.				[redacted]	[redacted]		
[redacted] J.				3	[redacted]		11/23/42
[redacted]ry W.				[redacted]	[redacted]		
[redacted]				[redacted]	[redacted]		
[redacted] L.				25	[redacted]		11/23/42
[redacted]				[redacted]	[redacted]		11/24/42
[redacted] G.				[redacted]	[redacted]		
[redacted]er		CE		[redacted]	[redacted]		11/25/42
[redacted]		Sgt		[redacted]	[redacted]		
[redacted] E.				[redacted]	[redacted]		

2326	[redacted]	Jane Sloan; [redacted]
2327	[redacted]	[redacted] E. Jones, 595 N. [redacted]
2328	[redacted]	[redacted] H. Jones, [redacted]
2329	[redacted]	Mrs Ida L. [redacted]
2330	Pvt	[redacted]
2331	Pvt	[redacted]
2332	[redacted]	Sgt Arthur L. [redacted]
2333	[redacted]	[redacted]
2334	[redacted]	[redacted]
2335	[redacted]	[redacted]
2336	[redacted]	[redacted]
2337	[redacted]	[redacted]
2338	[redacted]	[redacted]
2339	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]

[redacted]

41

[redacted]

CAC

M-Sgt 172

Completed

41

[redacted]

41

2345	Schoenwald, Fred	[redacted]	Sr.Cr.USN	62218	[redacted]	[redacted]	[redacted]	10:00	PM	11/25/42	2345	DU
2346	Simpson, Ben W.	[redacted]	Pvt	11013487	28	11/14/19	[redacted]	9:00	PM	11/25/42	2346	DU
2347	[redacted]oodman, Edward B.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	11:20	PM	11/25/42	2347	DU
2348	[redacted]ebbinson, James R.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	11:00	PM	11/25/42	2348	DU
2349	[redacted]ldridge, Carlee	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	7:00	PM	11/25/42	2349	Pvt
2350	[redacted]ard F.	[redacted]	809 CS	32075966	[redacted]	10/30/26	[redacted]	8:00	PM	11/25/42	2350	DU
2351	[redacted]t J.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	11:00	PM	11/25/42	2351	DU
2352	[redacted]n F.	[redacted]	Sgt	19[redacted]	Tank	[redacted]	[redacted]	5:00	PM	11/25/42	2352	DU
2353	[redacted], George H.	[redacted]	Pfc	19013[redacted]	[redacted]	[redacted]	[redacted]/17	6:30	PM	11/25/42	2353	DU
2354	[redacted]rton, Delbert W.	[redacted]	[redacted]	6086461	[redacted]	[redacted]	[redacted]/40	7:00	PM	11/25/42	2354	DU
2355	[redacted]Burton, Ral[redacted] A.	[redacted]	[redacted]	17011[redacted]1	[redacted]	[redacted]	[redacted]	3:30	PM	11/25/42	2355	DU
2356	Frazier, Homer W.	[redacted]	Pfc	16017[redacted]	[redacted]	1/20/20	[redacted]	4:30	PM	11/25/42	2356	DU
2357	Richards, Curtis J.	[redacted]	[redacted]	6894[redacted]	[redacted]	4/1/[redacted]	[redacted]	4:30	PM	11/25/42	2357	DU
2358	Helfer, Paul E.	[redacted]	[redacted]	14014[redacted]	[redacted]	8/27/20	[redacted]	4:00	PM	11/25/42	2358	DU
2359	Dudley, Ernest H.	[redacted]	[redacted]	15017099	[redacted]	6/1/21	[redacted]	3:45	PM	11/25/42	2359	DU
2360	[redacted]ther, Cleo J.	[redacted]	[redacted]	19014[redacted]	[redacted]	6/18/21	[redacted]	5:30	PM	11/25/42	2360	DU
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2362	[redacted]ris, Charles M.	[redacted]	[redacted]	3203[redacted]	[redacted]	[redacted]/27/17	[redacted]	4:00	PM	11/25/42	2362	DU
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2368	[redacted]Hall, [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]:00	PM	11/25/42	2368	DU
2369	[redacted]Hall, [redacted]	[redacted]	Pvt	12[redacted]	[redacted]	[redacted]/[redacted]	[redacted]	[redacted]:00	PM	[redacted]	[redacted]	[redacted]
2370	[redacted]Hall, [redacted]	[redacted]	Pvt	[redacted]	Co.	13014[redacted]	2	9/27/20	[redacted]	9:30	PM	11/27/42	2369	DU
2371	[redacted]Hall, [redacted]	[redacted]	[redacted]	91 Bomb	[redacted]	[redacted]	[redacted]	[redacted]/[redacted]	[redacted]	[redacted]:45	PM	11/27/42	2370	DU
2372	[redacted]Hall, [redacted]	[redacted]	Pvt	75 Ord	[redacted]	[redacted]	[redacted]	[redacted]/[redacted]/18	[redacted]	[redacted]:30	PM	11/27/42	2371	DA
2373	[redacted]Johnson, [redacted] L.	[redacted]	Pfc	[redacted]	C	[redacted]	[redacted]	[redacted]/[redacted]/[redacted]	[redacted]	[redacted]:30	PM	11/27/42	2372	DA
2374	[redacted]Miller, [redacted] H.	[redacted]	[redacted]	[redacted]	[redacted]	R-03[redacted]	5	2/[redacted]/[redacted]	[redacted]	7:00	PM	11/27/42	2373	DA
2375	[redacted]Griffith, Charl[redacted]	[redacted]	Pvt	6[redacted]	[redacted]	1[redacted]	2	[redacted]/[redacted]/22	[redacted]	[redacted]	PM	11/28/42	2374	DA
2376	[redacted]Lovett, Thomas S.	[redacted]	Civilian	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]/11/07	[redacted]	[redacted]	PM	11/28/42	2375	DA
2377	[redacted]Glover, George W.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	11/2[redacted]/42	2376	Pvt
2378	[redacted]Fulton, Leon [redacted] Jr.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2	[redacted]/11/19	[redacted]	9:[redacted]	PM	11/28/42	2377	DU
2379	[redacted]Bennett, Oliver [redacted]	[redacted]	[redacted]	[redacted]	21 Ind	[redacted]	2	[redacted]/1/1[redacted]	[redacted]	[redacted]:45	AM	11/29/42	2378	DU
2380	[redacted]Green, Charles [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	CAC	3[redacted]11[redacted]7	2	[redacted]	[redacted]	[redacted]:10	PM	11/29/42	2379	DU
2381	[redacted]Hall, Joel	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	37[redacted]7[redacted]	2	[redacted]/5/17	[redacted]	[redacted]	PM	11/29/42	2380	I
2382	[redacted]Wells, Edward [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]/[redacted]/19	[redacted]	9:50	AM	11/29/42	2381	DU
2383	[redacted]Green, Oscar [redacted]	[redacted]	[redacted]	[redacted]	200	CAC	[redacted]	[redacted]	[redacted]/8/[redacted]	[redacted]	2:30	PM	11/29/42	2382	DU
2384	[redacted]Gorman, Elton [redacted]	[redacted]	Pvt	809	CS	3303[redacted]08	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]:00	PM	11/29/42	2383	M
2385	[redacted], Robert [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	17[redacted]/[redacted]5	[redacted]	[redacted]	[redacted]	[redacted]	9:00	AM	11/30/42	2384	DU
2386	[redacted]. Clarence L.	[redacted]	Pfc	[redacted]	[redacted]	[redacted]6[redacted]900	[redacted]	2/22/[redacted]	[redacted]	[redacted]	[redacted]	AM	11/30/42	2385	DU
2387	[redacted]Pratt, [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	9/11/[redacted]	[redacted]	11:30	AM	11/30/42	2386	DU
2388	[redacted]. E.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3/[redacted]/[redacted]	[redacted]	3:[redacted]	PM	11/30/42	2387	DU
2389	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	R-[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2388	DU
2390	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]6562[redacted]55	[redacted]	[redacted]	[redacted]	9:30	PM	11/27/42	2389	DU
2391	Purby, John [redacted]	[redacted]	[redacted]	[redacted]	Tank	R-372[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	AM	11/30/42	2391	DU
2392	[redacted], Henry H.	[redacted]	T-Sgt	[redacted]1	[redacted]	R-555[redacted]	2	12/21/[redacted]	[redacted]	9:00	AM	11/30/42	2392	Pvt
2393	[redacted]Fabrinke, Robert [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6915[redacted]	1	[redacted]	[redacted]	[redacted]	PM	11/30/42	[redacted]	[redacted]
2394	[redacted] Sigmund F.	[redacted]	Pvt	[redacted]	Vet	1801[redacted]32	[redacted]	[redacted]	[redacted]	[redacted]	PM	11/30/42	[redacted]	Pvt
2395	[redacted]Freeland, Charles [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]/22/1[redacted]	[redacted]	1:[redacted]	PM	11/30/42	2395	DU
2396	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	11/30/42	2396	DU
2397	[redacted] A.	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	12/1/42	[redacted]	DU
2398	[redacted] H.	[redacted]	[redacted]	[redacted]	[redacted]	R-3271[redacted]6	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	12/1/42	2398	DU
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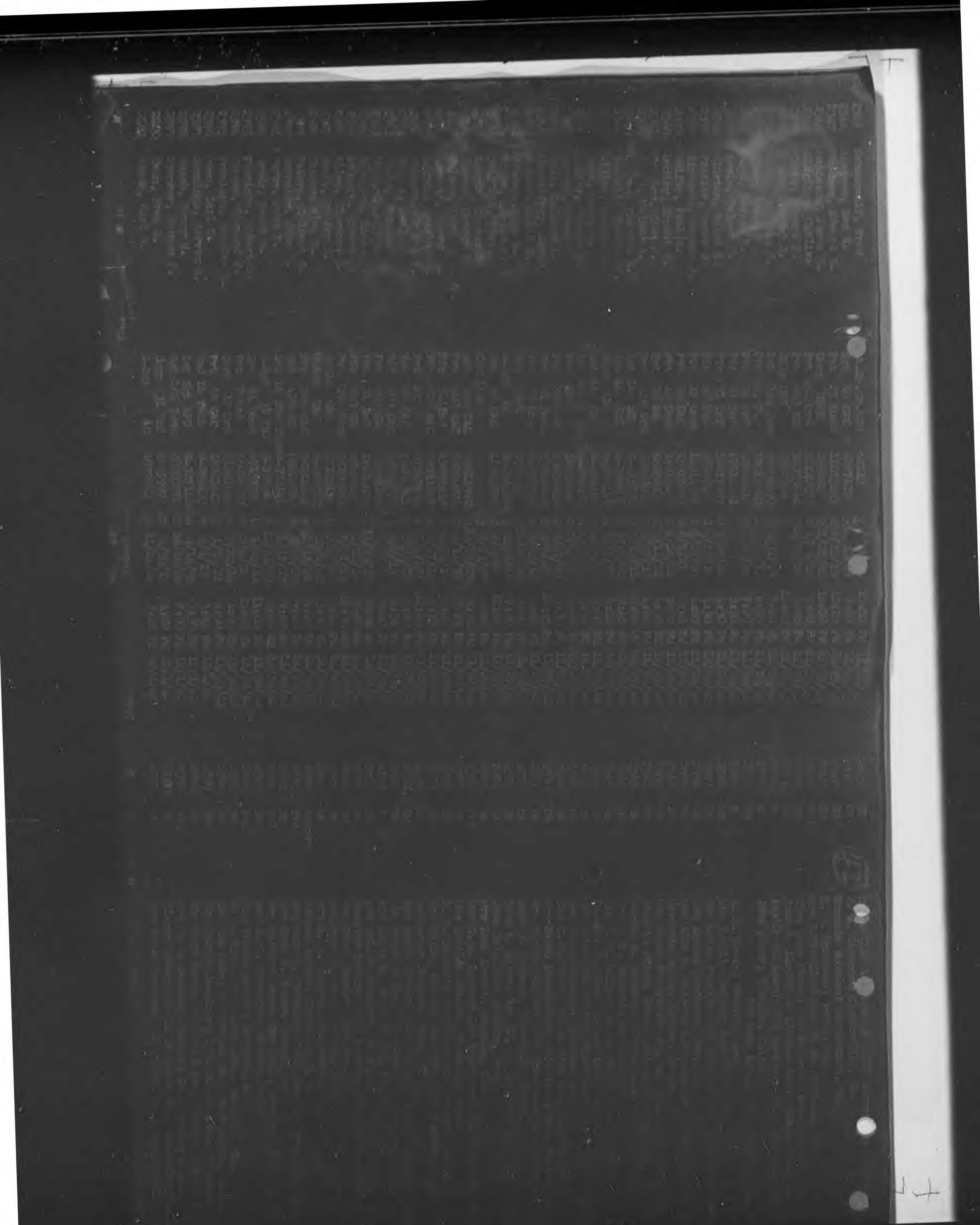
24[redacted]	Dean, [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	PM	12/1/42	[redacted]	DU
2401	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	36	11/14/[redacted]	[redacted]	3:00	PM	12/1/42	2401	DU

[redacted]



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43

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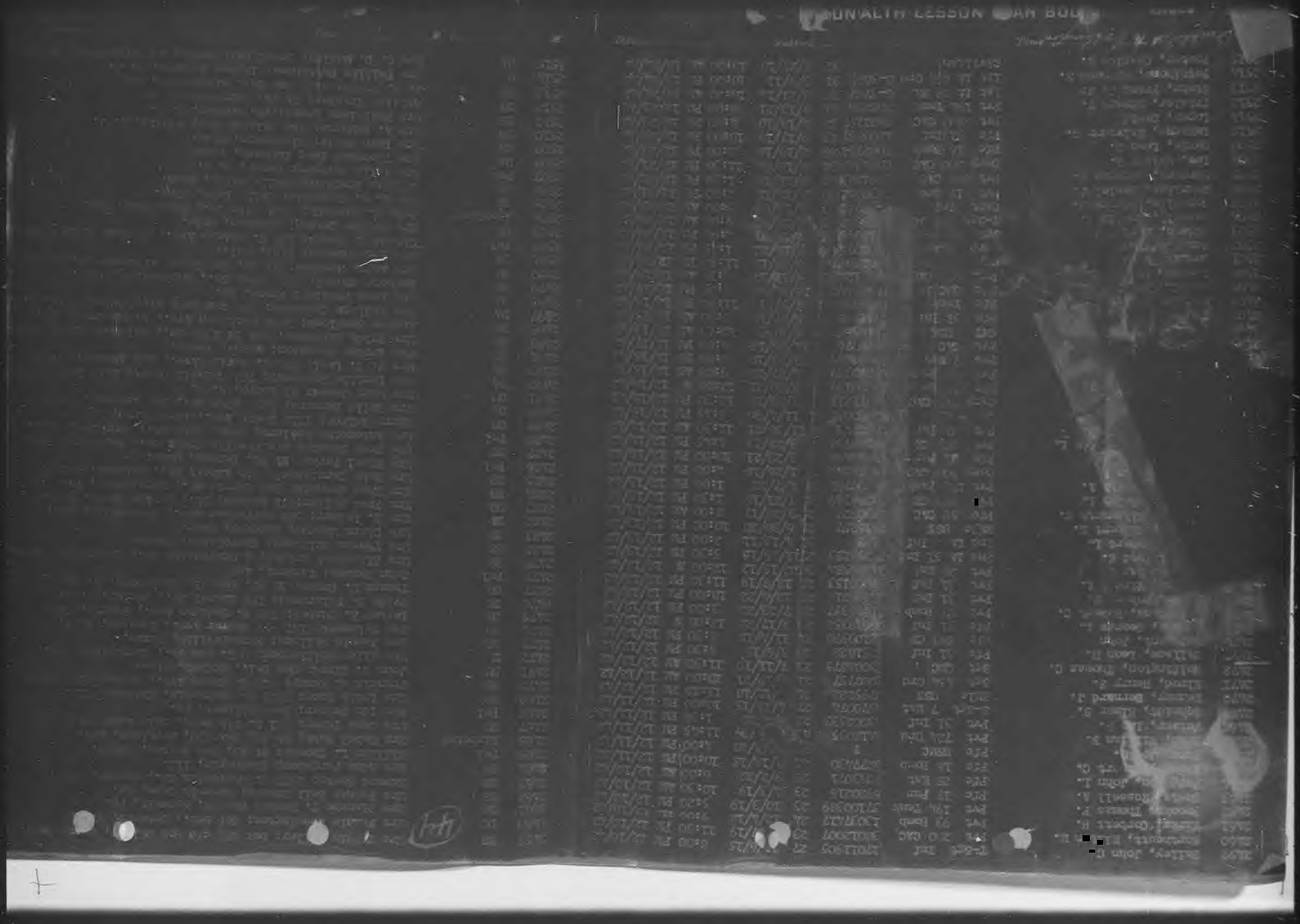

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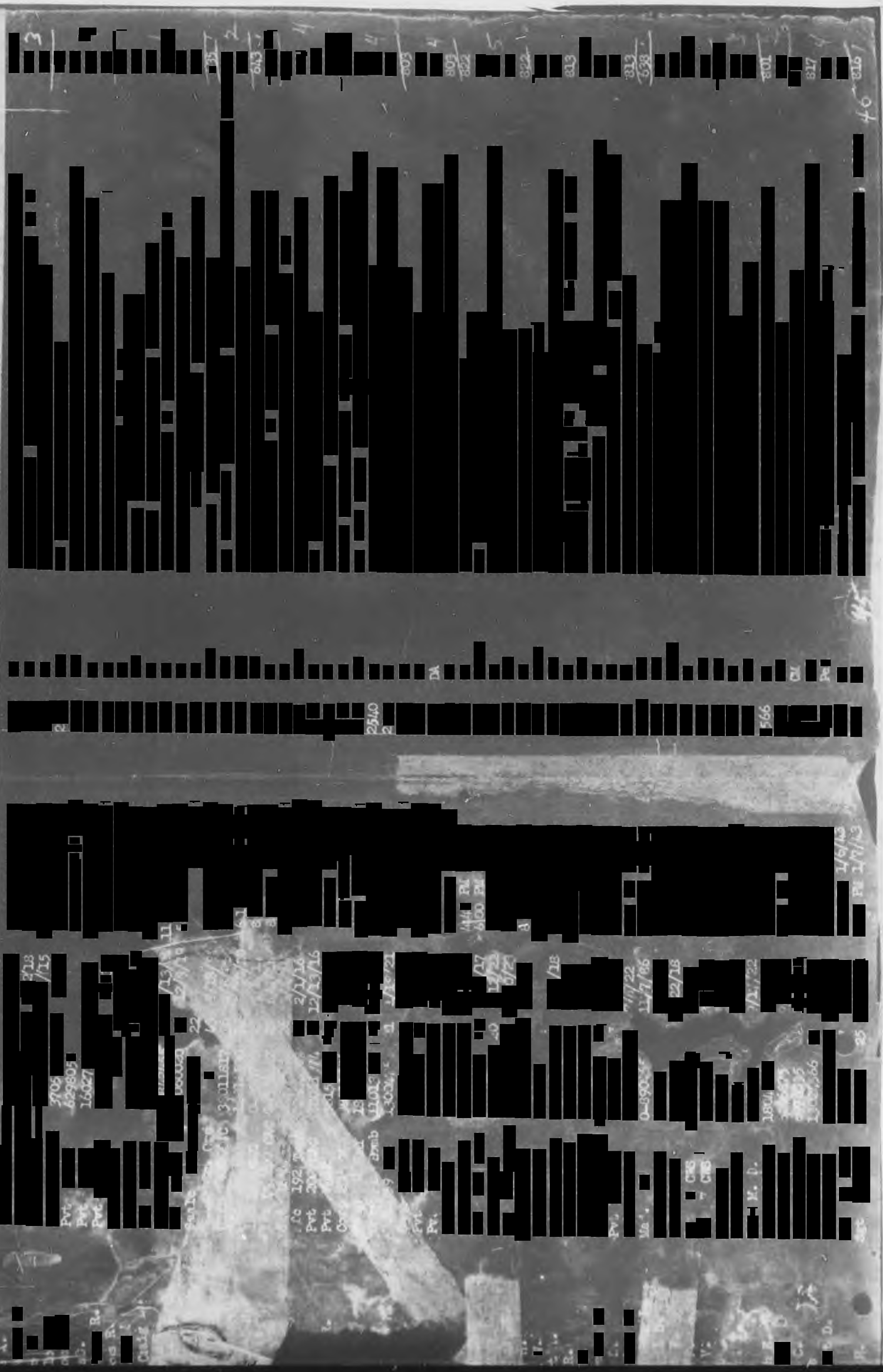
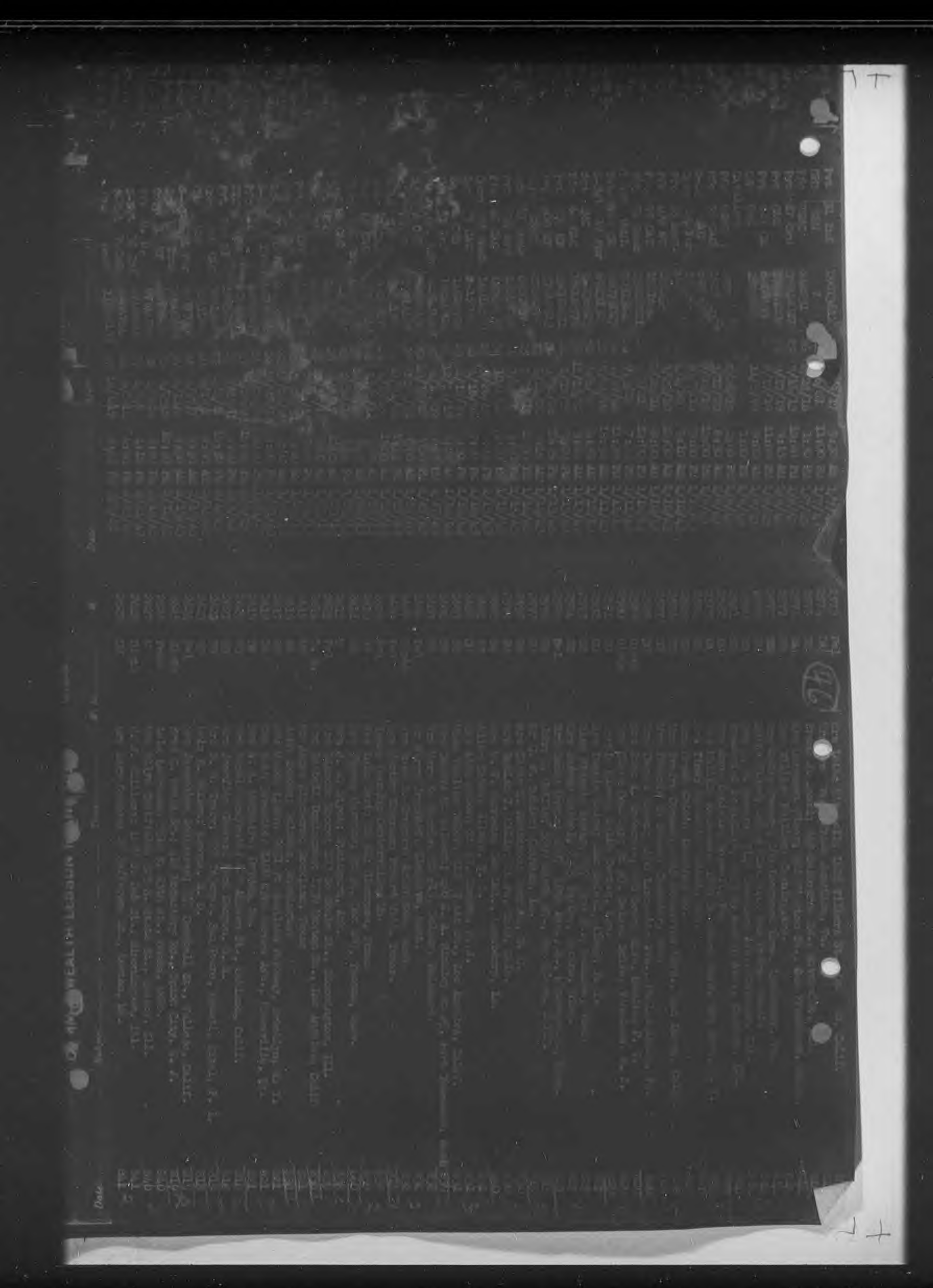
12/26/42

R-2368077

27 Bomb
Sgt 93 Bomb

1:00 PM 1/7/43





[redacted]

Yenger, [redacted]

1650 Shows, Hobart C. [redacted] Civilian [redacted] 10:30 AM

1651 McCord, Julius C. [redacted] Pvt [redacted]

1652 Irwin, Wilburn [redacted] Civilian [redacted]

1653 Carr, [redacted] Pfc [redacted]

[redacted]

[redacted]

[redacted] 2516 thru 2655

[redacted] Tennessee

[redacted] Florence C. Bell; [redacted]

[redacted]

Item 2655

[redacted]

Civilian [redacted]

Pfc [redacted]

[redacted]

[redacted]

[

AREAS MARKED WITH
X'S ARE FLOOR BEDS.
AREAS MARKED WITH
X'S ARE FLOOR BEDS.
49

Date [redacted] M. [redacted] Time [redacted]

[redacted] 9

48

[redacted] Plot 1 on [redacted], believed [redacted] opt [redacted]
official [redacted] camp Plot.
JUNE 2, [redacted] burials [redacted] Cemetery is [redacted]
[redacted] located [redacted] th[redacted]
[redacted] Rice and
[redacted] reporting
[redacted] the [redacted] to be
charged daily — no markers [redacted] grave [redacted]
Grave used— no [redacted] at th[redacted] available [redacted]
[redacted] 1;45 noon.
June [redacted]
[redacted] was placed into the group
[redacted] replaced by Stanley Landyn Kd, was
[redacted]
July 1, [redacted] Captain [redacted] and was replaced [redacted]
[redacted] assumed [redacted]
[redacted] Howard [redacted] ston was [redacted] first incum
[redacted] was [redacted] gray to be marked — this was done [redacted]
July [redacted] III was re-established with members being [redacted] ros
[redacted] rton appointed [redacted] of Group III.
July 14, 1942 [redacted] bers and appointed camp com[redacted]
camp headquarters established for [redacted] first time. It [redacted]
[redacted]
July 19, 1942 Captain Web[redacted] appointed registrar of [redacted]
no [redacted] list [redacted] has been made in Plots 2,3,4
Aug. [redacted], 1942 Captain Wil[redacted] signed [redacted]
[redacted] order to [redacted] of [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] since there are [redacted]
[redacted] for the complains [redacted]
grave mar[redacted] Japanese.
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] Captain [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted] [redacted] [redacted]
[redacted]

EALTH LESSON PLA[illegible]CK Grade

Subject Time . M. to . M.

AREAS MARKED WITH
X ARE FRONTER GALS

PLOT # 5

AREAS MARKED WITH
X ARE FRONTER GALS

PLOT # 9

48

MMONWEALTH LESSON PLAN BOOK Grade

Subject Time . M. to . M. Date

COLLECTIVE IN A SECTION IN CHRONOLOGICAL OUTLINES FOR GRAVES REGISTRATION
UNIT AT MILITARY PRISON CAMP NO I OF THE PHILIPPINE ISLANDS, CABANATUAN, PROVINCE OF
NUEVA ECIJA, PHILIPPINE ISLANDS. STATEMENTS OF A GENERAL NATURE MADE FOR ONE DATE
APPLY FOR ALL SUBSEQUENT DATES UNTIL A LATER ENTRY ALTERS THE STATEMENT.

JUNE 2, 1942 One man buried near Plot 1 or 2, believed to be a 1st Sgt Wallace — no official record — see certificate #144.

JUNE 3, 1942 First official burials — Cemetery located in a haphazard manner — 1st Lt Stanley Gladys selected to act as Graves Registration Officer for the entire camp and Group I — 1st Lt Neil Mott for Group II and Captain Sherry Rice and 1st Lt Keith George for Group III. The Group CO's were responsible for the reporting of deaths in the groups to Camp CO and for the removal of the bodies to the morgue. Burial details changed daily — no markers permitted — no order to graves permitted — one common grave used — no chaplains permitted at the cemetery — burials were made in the afternoon, the accountable period being from 12:00 noon to 12:00 noon.

June 17, 1942 Group III and Group I were consolidated into one group I.

June 20, 1942 Captain Sherry Rice replaced 1st Lt Stanley Gladys as CO, 1st Lt Keith George was appointed Group I CO.

July 1, 1942 Captain Sherry Rice became ill and was replaced by 1st Lt Keith George who also continued on as Group I CO.

July 2, 1942 1st Lt Howard O. Johnston was buried in the first individual grave. He was also the first grave to be marked — this was done without witnesses present.

July 6, 1942 Group III was re-established with members being from Camp O'Donnell.

Captain Albert Fullerton appointed CO for Group III.

July 14, 1942 Colonel Dorcy Rutherford appointed camp commander by the Japanese. Camp Headquarters established for the first time at Plot 1, George [illegible] CO.

July 19, 1942 Captain Robert Compton appointed Registrar of Personal Effects, Hospital Admittances. Burials to date had been made in Plots 2,3,4,5, [illegible] now exist as a result of beautification plan later erected.

Aug. 3, 1942 Captain Willibald Manchi assigned as Officer in charge of burials — this was the first time any definite order to the placing of graves was made. Prior to this time five or six graves would be put in one section and the section would become offensive before the Japanese Sentry would select another section. The same procedure would repeat itself. Heavy rains plus the large number of deaths and the weakened condition of the men on the working details made the digging of deep graves impossible and hence there are many shallow graves for Nuns, Jap

Aug 27, 1942 Permission for the chaplains to hold brief services at the grave markers granted by the Japanese.

September 1942 Drainage ditches and paths put in. Japanese cross erected and the American cross put in by the Americans a few days later.

Sept. 26, 1942 Accountable period for burials changed to 5:00 PM to 5:00 PM.

October 1, 1942 Captain Samuel Little assigned as Officer in charge of grave digging and burials.

Oct. 3, 1942 Captain Robert Conn replaced Captain Robert Compton who remained as Registrar of Personal effects of Hospital Admittances.

Oct. 19, 1942 Accountable period for burials changed to 12:00 M to 12:00 M.

Nov. 9, 1942 Captain Robert Conn replaced 1st Lt Keith George as CO for the Camp and Group I and continued on as Registrar. Keith George went to the hospital as a Patient.

Dec. 15, 1942 first day without a death since established.

Feb. 2, 1943 Approval of many requests to improve the cemetery by the Japanese when they asked for a plan for beautification.

Mar. 18, 1943 Beautification plan approved and work started.

May 15, 1943 Work on beautifying the cemetery completed. Trees were mounted, system of plots established, paths and [illegible] graves, names painted [illegible]

49

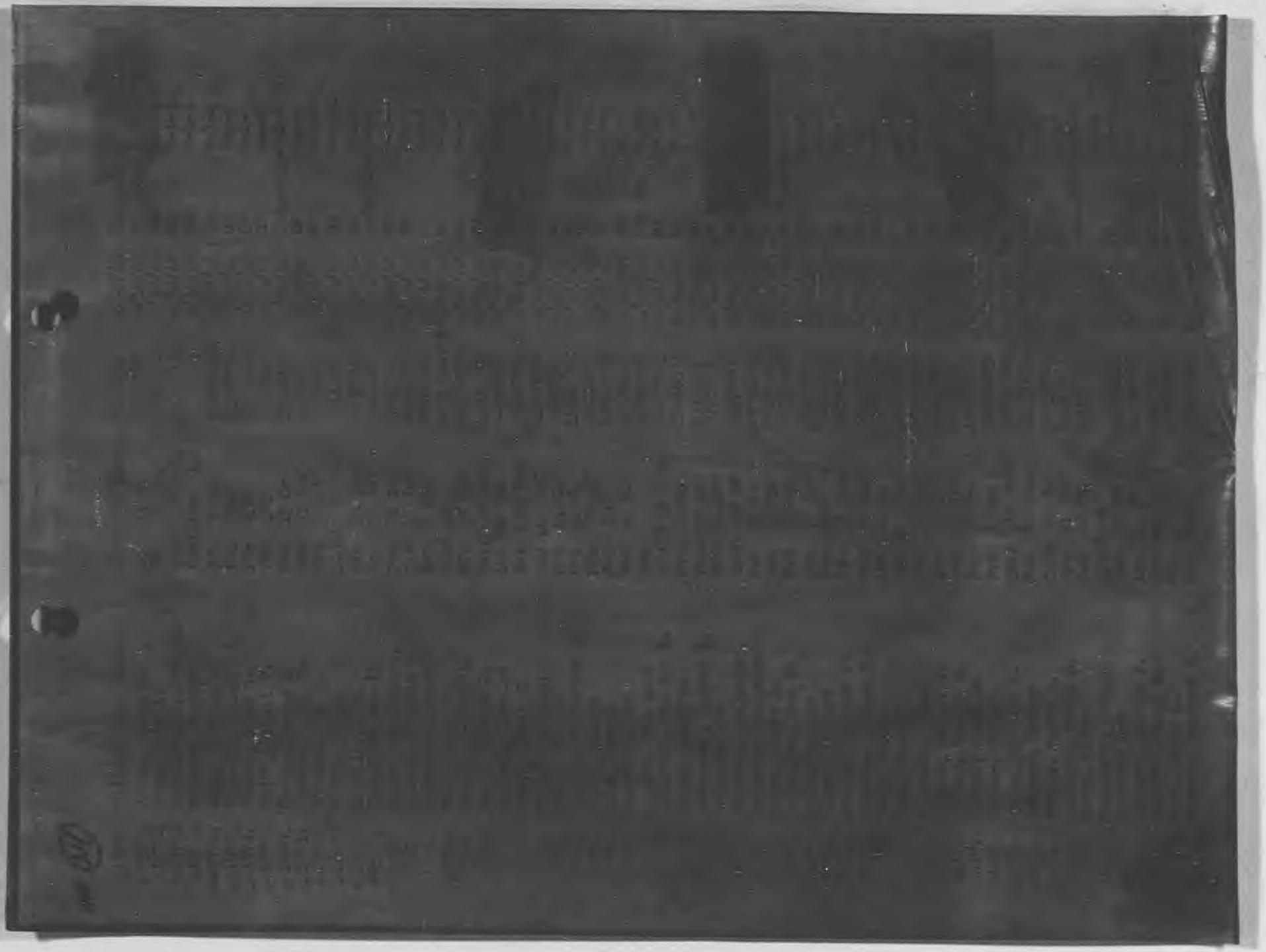
...NWEALTH LESSON PLAN ...OK Grade

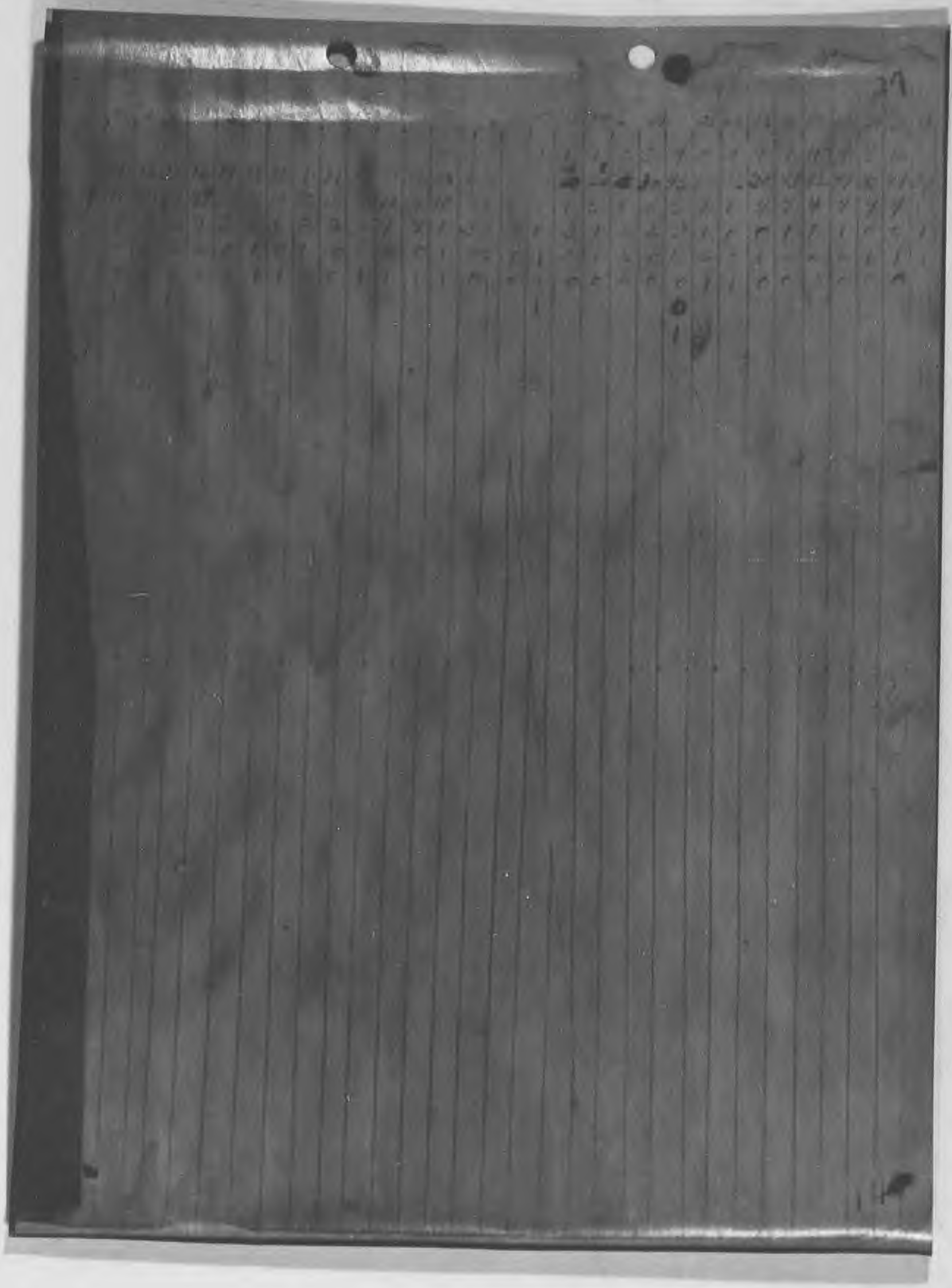
...NWEALTH LESSON P...N ...O

R. E. A. (3) PLEASE FURNISH

(13)

[redacted]





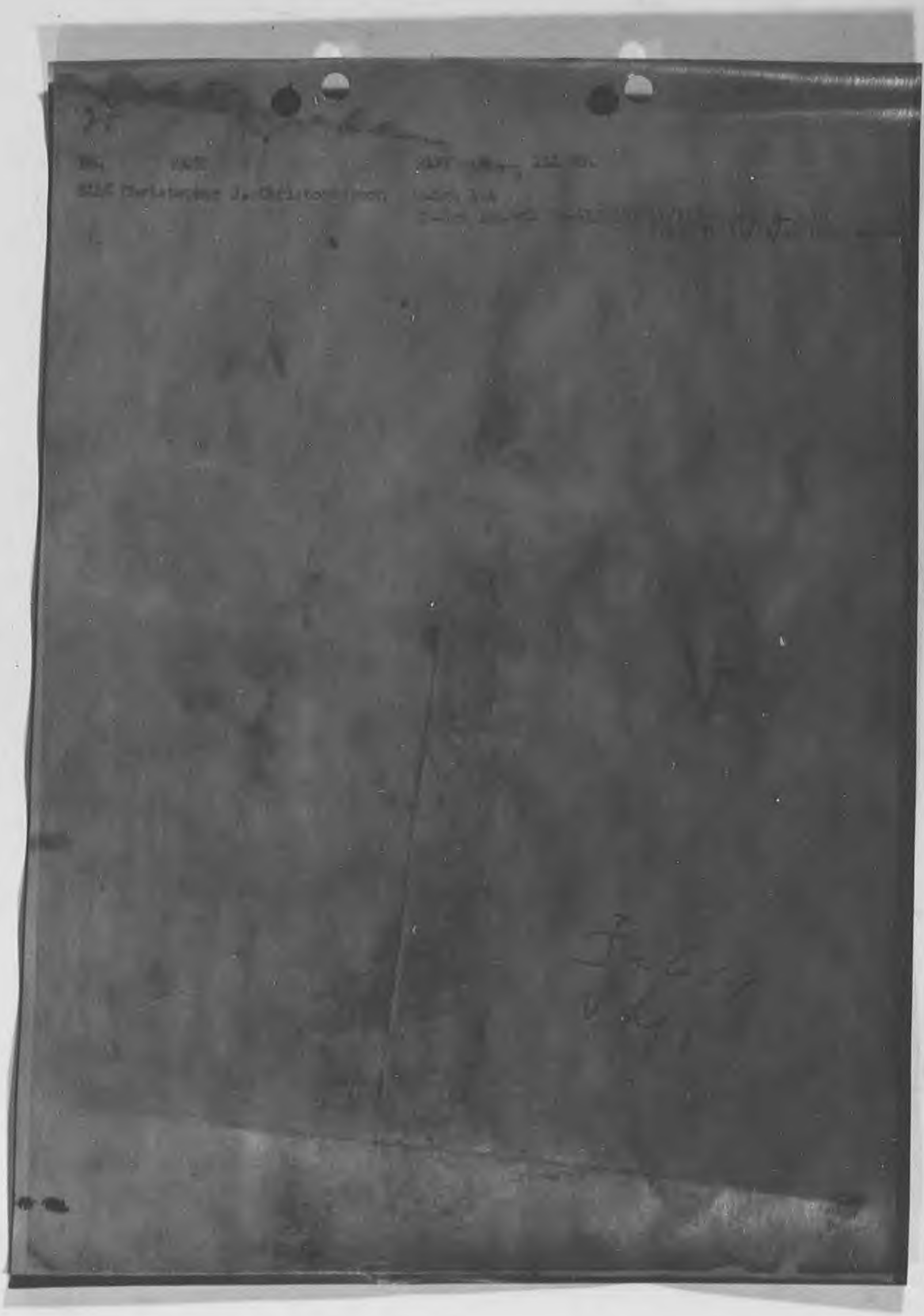


Exhibit 319

A SKETCH

Showing the Location of BARRIO ARINGURING

Filipino Compound

American Compound

Amer. Cemetery

BARRIO OF ARINGURING

To Cabog Tabo

To Olongapo

Japanese Camp & Cemetery

Cemetery

Filipino Compound

Filipino Compound

Hospital

CEMETERY

RIVER

EXHIBIT 320

FILIPINO DEATH RECORDS OF O'DONNEL

U. S. A. vs MASAHARU HOMMA

[redacted]

[redacted]

[redacted]

next day, June 10th, 1945, at about 2:00 PM all Americans were told to get to walk upon reported to the Jungle School building used by the Japanese for a headquarters where we witnessed the shooting to death of the ten (10) men by a Japanese firing squad because the one American had escaped the night before. The Japanese officer whose the ten men from a group of five under him and one officer that were given axe handle and then ordered to execute the escapee.

Q Did you personally know any of the men executed and did you ever see any person to examine and identify their bodies after the shooting?

A Yes, I was personally acquainted with Cpl. John D. Bledsoe, and the other nine I identified by the identification tag[illegible] I removed from their bodies prior to burial.

Q Were orders ever issued by the Japanese to the effect that prisoners might follow an escape from custody by any prisoner, and if so from and by what were these orders issued?

A Yes, we were told by the Japanese commanding officer at Camp Pilicarpi that the men would be shot for every one that escaped, and this statement was repeated by the Japanese interpreter each morning at the Cabanatuan Railroad detail.

Q Can you name either officer that made these statements to you, or can you designate the army unit with which he was serving?

A No.

Q Can you give original description of either officer or describe any peculiarities either might have had?

A No, not sufficiently to identify them, and I don't recall any marks or peculiarities which would help in identifying them.

Q Do you know of any person who had knowledge of the executions and could identify the officers responsible for it?

A Yes. A Filipino worker who spoke Japanese was allowed to visit us in the prison compound and give medical treatment, and he should be able to identify the officers. His name was Leandro S. Fernando. His address was Pagsanjan, Laguna, and although he did not witness the execution he did know of it.

Q Did the lieutenant in charge of the bridge guards herein before mentioned participate?

A No, he was in charge of the firing squad that performed the executions. A Japanese Colonel Fusita, who was the highest ranking superior officer, entered the executions, and supervised in the same as the time. He was the colonel in charge of all the reconstruction of bridges south of Manila.

Q Did you know, or would you describe any of the Japanese soldiers who made up the firing squad?

A No.

Q Did you ever see any mistreatment either while a prisoner of the Japanese?

A No, the ten mentioned above were the only ones.

[redacted]

/s/ Theodore G. Bigger
/s/ Theodore G. Bigger, Major, AAF.

State of West Virginia }
County of Greenbrier } ss

I, Theodore G. Bigger, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Theodore G. Bigger
/s/ Theodore G. Bigger, Major, AAF.

Subscribed and sworn before me this 9 day of May 1945.

/s/ Roy E. Ethell
/s/ Roy E. Ethell, Capt., AUS,
Adjutant
Ashford General Hospital,
White Sulphur Springs, W. Va.

[redacted]

I, Roy E. Ethell, Capt., AUS, certify that on 9 May 1945, personally appeared before me Theodore G. Bigger, Major, AAF, 0-351346, and gave the foregoing answers to the several questions set forth; that after the testimony had been transcribed, the said Theodore G. Bigger read the same affixed his signature thereto in my presence.

White Sulphur Springs, W. Va. /s/ Roy E. Ethell
(Signature)

9 May 1945 Capt. AUS, AGD.
(Rank and organization)

[redacted]

A CERTIFIED TRUE COPY:

[redacted]

U. S. v. HERMANN GOERING
Interrogation
Exhibit [illegible]
Received [illegible]

[redacted]

[redacted]

[redacted]

the water. We had to use it in its filthy condition for drinking, washing and cooking. No bathing was provided for our sick and wounded men. The village had a big tree and our "hospital". The sick and wounded men lay in the mud under it almost constantly while I was there. The conditions were worse in that compound than anywhere I have ever known. I slept on a grassy mound at night. There was had nothing between themselves and the ground except their ragged, filthy clothing. None of us had a raincoat. I had no hat and many of the men had no shoes. None of us had a change of clothing. We had no latrines. We had no facilities for latrines so used available trenches. All skin-diseases are due to our each day on the vegetable meal issued and only the sick and wounded men, who were left behind in camp each day, were available to dig the latrine trenches. Many of them were so sick or injured that they could not dig enough latrine trenches for all of us. As a result, there was always a shortage of latrine trenches. The filth in the camp was terrible. We were not given an opportunity, after returning from the road detail, to dig our own latrine trenches so we had to relieve ourselves on the ground.

Q Did the Japanese have quarters different from yours at Mukden?

A Yes, the Commanding Officer lived in a little hut on the hill about two miles and the Jap soldiers had barracks there which served as their headquarters. The Japs also had warehouses and equipment to store the rubber boots, [illegible]

Q Was the Japanese Commanding Officer at Mukden at the time you were there?

A I do not know his name. He was a Major. He was about 5 feet, five inches tall, about 35 years old, weighed about 125 pounds, had a light complexion and dark hair. He could speak a little English and told us that he was a rubber factory in Japan before the war.

Q Please state the name and addresses of any other American prisoners you can remember who were with you at Mukden.

A Major Lowell W. Robbins, U.S.A., was living at 1114 Wisconsin Ave., Duncan, Oklahoma and S/Sgt. Henry F. Lathem, 2009 Dallas, was an Texas at Corsicana City, Texas. From William F. Kennedy General Hospital, Texas.

/s/ Clarence Wilson Jr. Pvt.
Clarence Wilson Jr. Pvt. [illegible]
[illegible]

STATE OF TEXAS }
COUNTY OF EL PASO } ss

I, Clarence Wilson Cook, of lawful age being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers recorded therein are true to the best of my knowledge and belief.

/s/ Clarence Wilson Cook
Clarence Wilson Cook, (Affiant)

Subscribed and sworn to before me this 31st day of Mar 1943.

/s/ Lola Johnson
Notary Public

My Commission expires:_____

CERTIFICATE

I, Gordon D. Baker, Jr., Agent, Security Intelligence Corps, Eighth Service Command, certify that on 2 day 1943, personally appeared before me Clarence Wilson Cook, (Affiant), and gave the foregoing answers to the answers questions and certify that after his testimony had been transcribed the said Clarence Wilson Cook did read the same and affixed his signature thereto in my presence.

/s/ Gordon D. Baker Jr
Gordon D. Baker, Jr.
Agent, Security Intelligence Corps
Eighth Service Command

Place : El Paso, Texas

Date : 31 Mar 1943

CERTIFIED TRUE COPY

3

D. M. A. to HEADQUARTERS

Examined

REDACTED

Judge Advocate General's Department, War Department

UNITED STATES OF AMERICA

In the matter of failing to provide adequate medical treatment and food at Tayabas Penal Detail, P.I., in 1942 from June to September.	:	Perpetuation of testimony of Clarence Milton Hatten, Soldier.

Taken at	:	Office of Chief of Police, Deming, New Mexico.
Date	:	2 May 1945
In the presence of	:	Rhodes S. Baker, Jr., Agent, Security Intelligence Corps, Eighth Service Command.

Questions by : Rhodes S. Baker, Jr.

Q. State your name, age, rank, serial number and permanent home address.

A. My name is Clarence Milton Hatten, 28 years old, Master Sergeant, ASN 20810384, 215 S. Iron St., Deming, New Mexico.

Q. Have you recently been returned to the United States from overseas?

A. Yes.

Q. Were you a prisoner of war?

A. Yes.

Q. At what places were you held and state the approximate dates.

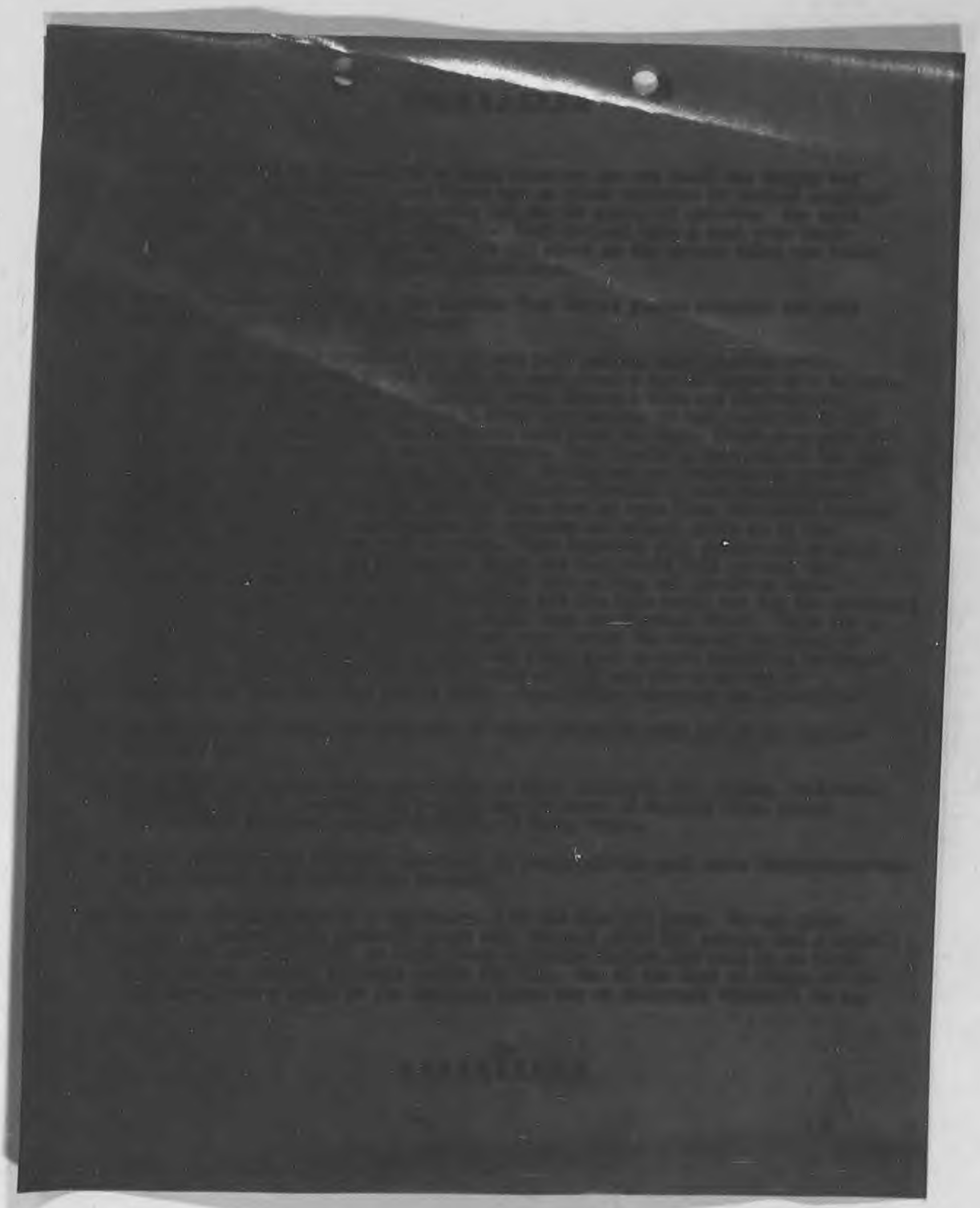
A. Camp O'Donnell, P.I., from May 1942 to June 1942
Tayabas Penal Detail, Tayabas Province, P. I., from June 1942 to September 1942
Bilibid Prison, P.I., from September 1942 to February 1945.

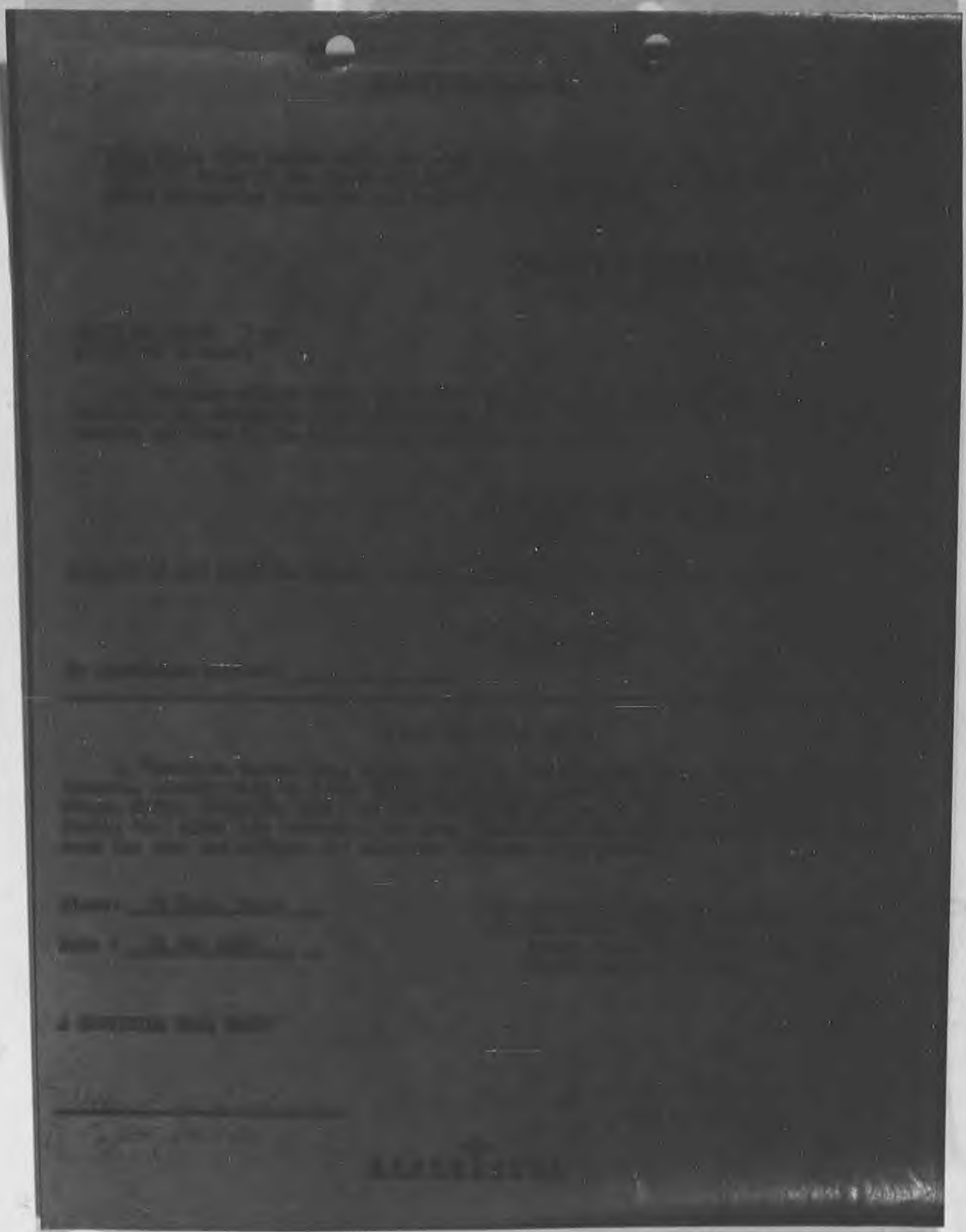
Q. During the time you were on Tayabas Penal Detail, please describe the medical treatment provided by the Japanese.

A. About three hundred of the prisoners had malaria. Our medical officer was Major Paul L. Ashton, M.C. The Japs gave him about 60 grains of quinine to use in treating the 300 malaria cases. The Japs provided no other medicine or medical supplies. Major Ashton had a little medicine and some bandages

-1-

REDACTED





[redacted]

[redacted]

I worked with a club and charge and worked a [illegible]. Two being records
and on and we worked in and up to each table each of the three.

Q. How was the energy of this activity?

A. I worked in a wide of other things [illegible] of course, in charge of the work
and a dog of the two rows of raspberry, and on the bridges, we [illegible]

Q. Where therefore records?

A. At the start I [illegible] and was [illegible] with energy, and
two gold seeds in the shape of the county and a [illegible] of the [illegible]
and 10 grams of the old national which [illegible] the are connected to the
[illegible] range of the two days.

Q. Please list the names and addresses of any other professional [illegible] who took
at the Session that should with you.

A. We for work in Johannesburg are [illegible] of [illegible] Mine College, Johannesburg
and Atlantic Valley in Cameron, which [illegible] are on boards at [illegible] Mines,
Dean Williams [illegible] Journal [illegible] at Johns Hopkins.

Q. Have you employed as well as any other [illegible] [illegible]?

A. Yes.

Q. Where [illegible] and what did they [illegible]?

A. In January 2002 I started for a [illegible] have been delivered [illegible]. Phase 1 [illegible]
questions based on the questions and [illegible] that we [illegible]. [illegible] I [illegible]
books we [illegible] and [illegible] some of [illegible] [illegible]. Survey [illegible] [illegible] I [illegible]
books we [illegible] to [illegible] Survey to [illegible]. I was on a [illegible] to a [illegible] we were
[illegible] [illegible] to [illegible]. Phase 2 [illegible] were [illegible] to what [illegible] [illegible] [illegible]
[illegible] [illegible]. The [illegible] we were [illegible] and [illegible] [illegible] [illegible] I [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] I was on a [illegible] [illegible] [illegible] I [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[redacted]

For the War Crimes Office

Judge Advocate General's Department — War Department

United States of America

* * * * * * * * * * *

In the matter of the failure of the Japanese to provide adequate medical treatment and supplies, food, and quarters to Prisoners of War at Tarsbau, Japan, resulting in the death of an unknown number of American soldiers.

* * * * * * * * * * *

"Perpetuation of Testimony of Eugene Gibson, Pfc., 20933240

* * * * * * * * * * *

Taken at: District Intelligence Office, San Antonio, Texas.
Date: 23 May 1946.
In the Presence of: Agent Edna S. Stanbell, Security and Intelligence Division, Headquarters Eighth Service Command, ASF.
Reporter: Charlotte P. Myers, Clerk Stenographer, District Intelligence Office, San Antonio, Texas.

Questions by: Edna S. Stanbell, Agent, SIC.

Q. State your name, rank, serial number and permanent home address.

A. My name is Eugene Gibson, Pfc., ASN 20933240, and my permanent home address is 3006 Angus Street, Houston, Texas.

Q. Have you recently been returned to the United States Government

A. Yes, I returned to San Francisco in March 1945.

Q. Were you a prisoner of war

A. Was a prisoner of the Japanese.

Q. At what places were you held and state the approximate dates?

A. I was taken prisoner 11 April 1942 by the Japanese at Mariveles Cutoff, Bataan, and made the "Death March" to Camp O'Donnell, arriving there on 17 April 1942. On 30 Sept 1942 I was sent on detail to Tayabas, and on 15 June 1943 I was taken to Bilibid Prison, Manila; then to Camp No. 1, Cabanatuan, Luzon, on 15 July 1943. On 27 October 1943 I left for Davao Penal Colony, Mindanao, arriving there on the captured American ship "The Erie" on 8 November 1943. I remained at Davao Penal Colony until 5 June 1944, at which time I was taken to Camp No. 3, Cabanatuan, arriving there on 22 June 1944. On 15 August 1944 I was taken to Bilibid Prison, Manila, from which place I was liberated by American action on 4 February 1945.

In the matter of the failure of the Japanese to provide adequate medical treatment and supplies, food, and quarters to Prisoners of War at Tayuhan, Taiwan, resulting in the death of an unknown number of American soldiers. (Continued from Page 1)

Perpetration of Testimony of Eugene Gibson, 2d., Witness

Questions by: Ruben P. Bitzhell, Agent, NIS.

Q. Are you familiar with the circumstances surrounding the failure of the Japanese to furnish proper medical treatment, supplies, food, and quarters to Prisoners of War on work details at Tayuhan, Taiwan, which resulted in the death of an unknown number of American Soldiers?

A. I am.

Q. State what you know of your knowledge of this incident.

A. I was sent on a work detail from Camp O'Donnell to Tayuhan, Luzon, on 10 May 1942, and remained there until approximately 15 June 1942. There were 300 American & Allied men and three American Officers, all Prisoners of War of the Japanese, on this detail during the time I was there. Thirty-five of this number of Americans died during the thirty-six days that I was there. The work which we Prisoners of War were required to do was in connection with the building of a jungle road. We lived in a ravine but without shelter or bedding of any kind, and no clothes except that we had on our bodies. The food was satisfactory in quantity since it consisted of some Japanese canned rations. We also had rice. However, the food was cooked in a shallow pan. The water we used came out of a creek, downstream from where the Japanese guards bathed and where the horses drank, and as a result of the water used and the way the food was prepared, it was not long until a great many of the Prisoners of War were suffering from dysentery. Even though sick, we worked twelve hours a day and often a man would faint while he was working. Prisoners of War who were ill helped one another. We had no Medical Officer during the time I was at Tayuhan. A Japanese civilian came every other day and gave us one Germoprim quinine pill, and gave us charcoal pills for dysentery. This medicine was entirely insufficient to account for the dysentery and malaria which were sweeping through our Camp. Our American Officers, Captain Pierce, tried to get medical attention for us. I do not know who the Japanese Commander of this work detail was, but I believe he was a Japanese 1st Lieutenant, Cavalry.

/s/ Eugene Gibson
Eugene Gibson, 2d., Witness

SECRET

In the matter of the failure of the Japanese to provide adequate medical treatment and supplies, food, and quarters to Prisoners of War at Formosa, Japan, resulting in the death of an unknown number of American soldiers. (Continued from Page 2)

Interrogation of Testimony of Eugene Gibson, Pfc., 20932240

State of Texas }
} ss
County of Bexar }

I, Eugene Gibson, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Eugene Gibson
/s/ Eugene Gibson, Pfc., USA

Subscribed and sworn to before me this 25 day of May 1945.

/s/ A. G. Hanford
/s/ A. G. HANFORD
Captain, Inf.

CERTIFICATE

I, Ruben F. Kimball, Agent, Security and Intelligence Division, Headquarters Eighth Service Command, AAF, certify that on 25 May 1945, personally appeared before me Eugene Gibson, Pfc., 20932240, and gave the foregoing answers to several questions set forth; and after his testimony had been transcribed, the said Eugene Gibson read the same and affixed his signature thereto in my presence.

Place: San Antonio, Texas

Date: 25 May 1945

/s/ Ruben F. Kimball
RUBEN F. KIMBALL
Agent, SIS

A CERTIFIED TRUE COPY:

John L. J. Parker
1st Lt AGD

RESTRICTED

In the matter of the failure of the Japanese to provide adequate medical treatment and supplies, food, and shelter to Prisoners of War at Tarsden, Luzon, resulting in the death of an unknown number of American soldiers. (Continued from Page 2)

Investigation of Testimony of Eugene Gibson, Pfc., 20[illegible]

State of Texas)
) ss
County of Bexar)

I, Eugene Gibson, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Eugene Gibson
/s/ Eugene Gibson, Pfc., USA

Subscribed and sworn to before me this 25 day of May 1945.

/s/ A. G. Medford
/s/ A. G. MEDFORD
Captain, Inf.

CERTIFICATE

I, Robert F. Pinkhall, Agent, Security and Intelligence Division, Headquarters Eighth Service Command, ASF, certify that on 25 May 1945, personally appeared before me Eugene Gibson, Pfc., 20[illegible], and gave the foregoing answers to several questions set forth; and after his testimony had been transcribed, the said Eugene Gibson read the same and affixed his signature thereto in my presence.

Place: San Antonio, Texas

Date: 25 May 1945

/s/ Robert F. Pinkhall
ROBERT F. PINKHALL
Agent, SIC

A CERTIFIED TRUE COPY:

John L. J. Baker
1st Lt AGD

RESTRICTED

REDACTED

CITY OF WASHINGTON)
: ss.:
DISTRICT OF COLUMBIA)

From Camp O'Donnell about 20 May 1942, 300 of us were detailed to a road-building project. The task was to make a shortcut between Balanga and Lagangap about 270 kilometers south of Manila. None of the men was given a physical examination before the detail was announced. We left O'Donnell without blankets or mess equipment. After passing through Manila, we were loaded on flatcars and that night we slept on lime dust in a lime factory. Upon our arrival at Balanga it was necessary to cook food in steel shovelscrews used to mix the mortar. The drinking water was taken from a place further down stream than the latrines and their waste entered the stream above our position. Dysentery spread rapidly. The death rate was about 7 or 8 a day. Men were whipped with scabbards in an effort to get them to work. By 26 June, 50 were dead. There was neither medicine nor a medical officer available. The rest, 33 went out from Balanga to Manila on 26 June. I later learned that all but 40 of the detail were buried before 1 July.

/s/ Charles G Donovan
Tom S /s/ Charles G Donovan [illegible]

Subscribed and sworn to before me this 11th day of November 1945.

/s/ Marjorie Turner
/t/ MARJORIE TURNER,
Dec 16, 1945.

A CERTIFIED TRUE COPY.

John L. J. O'Brien
Capt. AGD.

U.S.A. vs MASAHARU HOMMA
Defendant
Exhibit No. [illegible]
Received in evidence [illegible]

REDACTED

DEPOSITION

_____ (name) _____ (race) _____ age _____

where being duly sworn at _____ deposes and says:

1. My name is _____ and I live at _____

2. I am employed by the Department and have a personnel no. of _____

3. I am a _____ by profession.

4. I am in the _____ Division.

5. My duties are _____

6. I am _____ years old.

7. I have _____ years experience as a _____

8. I have _____ years experience with the Department.

9. I have _____ years experience in my present assignment.

10. I have had the following training:

11. I have had the following commendations:

12. I have had the following disciplinary action:

13. I have had the following awards:

14. I have had the following evaluations:

15. I have had the following assignments:

16. I have had the following promotions:

17. I have had the following demotions:

18. I have had the following transfers:

19. I have had the following leaves of absence:

20. I have had the following injuries:

21. I have had the following illnesses:

22. I have had the following accidents:

23. I have had the following complaints filed against me:

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26. I have had the following convictions:

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943. I have had the following accidents:

944. I have had the following injuries:

945. I have had the following illnesses:

946. I have had the following accidents:

947. I have had the following complaints filed against me:

948. I have had the following lawsuits filed against me:

949. I have had the following arrests:

950. I have had the following convictions:

951. I have had the following civil suits filed against me:

952. I have had the following criminal charges filed against me:

953. I have had the following traffic violations:

954. I have had the following accidents:

955. I have had the following injuries:

956. I have had the following illnesses:

957. I have had the following accidents:

958. I have had the following complaints filed against me:

959. I have had the following lawsuits filed against me:

960. I have had the following arrests:

961. I have had the following convictions:

962. I have had the following civil suits filed against me:

963. I have had the following criminal charges filed against me:

964. I have had the following traffic violations:

965. I have had the following accidents:

966. I have had the following injuries:

967. I have had the following illnesses:

968. I have had the following accidents:

969. I have had the following complaints filed against me:

970. I have had the following lawsuits filed against me:

971. I have had the following arrests:

972. I have had the following convictions:

973. I have had the following civil suits filed against me:

974. I have had the following criminal charges filed against me:

975. I have had the following traffic violations:

976. I have had the following accidents:

977. I have had the following injuries:

978. I have had the following illnesses:

979. I have had the following accidents:

980. I have had the following complaints filed against me:

981. I have had the following lawsuits filed against me:

982. I have had the following arrests:

983. I have had the following convictions:

984. I have had the following civil suits filed against me:

985. I have had the following criminal charges filed against me:

986. I have had the following traffic violations:

987. I have had the following accidents:

988. I have had the following injuries:

989. I have had the following illnesses:

990. I have had the following accidents:

991. I have had the following complaints filed against me:

992. I have had the following lawsuits filed against me:

993. I have had the following arrests:

994. I have had the following convictions:

995. I have had the following civil suits filed against me:

996. I have had the following criminal charges filed against me:

997. I have had the following traffic violations:

998. I have had the following accidents:

999. I have had the following injuries:

1000. I have had the following illnesses:

[illegible]

[illegible] you also [illegible] details in detail [illegible] to [illegible] your

[illegible] [illegible] of [illegible] of [illegible] and [illegible] [illegible] on

[illegible] read [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] of [illegible] plane)
[illegible] [illegible] [illegible], [illegible] and [illegible] [illegible] [illegible] [illegible]

A. I was on this [illegible] about [illegible] plane [illegible] [illegible] [illegible] [illegible]
[illegible]

Q. [illegible] on this [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
after the [illegible], it was [illegible] [illegible] [illegible] [illegible] [illegible]
still [illegible] [illegible].

A. We were issued [illegible] [illegible] of the [illegible] [illegible] [illegible] [illegible]
would not be available. We carried [illegible] [illegible] [illegible] [illegible]
on [illegible] planes. We had no [illegible] [illegible] [illegible] [illegible] [illegible]
American [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

Q. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

A. [illegible], [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

I request [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [

[redacted]

STATE OF CALIFORNIA)
) ss
City and County of [redacted])

[redacted], Staff Sergeant, AUS [redacted], Army Air Forces, California, being first duly sworn, deposes and says:

While confined as a prisoner of the Japanese at a road construction camp called Karabao during the period of 1 May 1942 to 28 July 1942, or about 14 May 1942 I witnessed the brutal beating of S/Sgt. [redacted], Army Air Forces, which resulted in his eventual death. I do not remember [redacted]'s first name or any organization data, but he was assigned as Bataan and was formerly stationed at an airfield somewhere in that vicinity. The road detail [redacted] which we were engaged was engaged in the construction of the Manila-Cagayan Road under supervision of the Japanese Engineer Corps. At the time of the incident we were working at Kilometer 935 using pick and shovel labor. Sgt. had been suffering from a severe attack of malaria and was in a very weakened condition. In spite of his severe illness he was forced to work, but was unable to do so. The Japanese guard, a soldier, Sgt. Tukmi well known as "The Killer", found Sgt. sitting down at attention and then beat him about the head and back with a Nalo scabbard. Sgt. was knocked to the ground and kicked in the face and stomach. He was revived and forced to stand at attention holding a pick outstretched in his arms for approximately twenty (20) minutes. At this time Sgt. again collapsed, following this he was carried to the camp and placed in sick bay where he died eight (8) days later. "The Killer" was a member of the Japanese Engineer Corps; he spoke no English; I do not remember his rank, but he was the Non-Commissioned Officer in charge of Detail #5, consisting of 14 men. Captain Jarvis of the Philippine Army, was in charge of the group.

This incident was witnessed by Sgt. [redacted], AAF, now at Letterman General Hospital.

The foregoing testimony covers all the information I at the time to remember.

-1-

[redacted]

[redacted]

/s/ Robert L. Shaffer
/s/ ROBERT L. SHAFFER, 0-[illegible]
ASN 19[illegible], AUS

Subscribed and sworn to before me this 15 day of October 194[illegible]

/s/ Albert A. Lee
/s/ ALBERT A. LEE
Capt, Signal Corps
Summary Court

Interviewed by Russell J. McCombs, Special Agent, MIS

A CERTIFIED TRUE COPY:

U. S. A. vs MASAHARU HOMMA
PLACE
DATE
EXHIBIT No. [illegible]
Received [illegible]

[redacted]

at Bilibid Prison until 26 May 1942 at which time I left Bilibid Prison for Calumpang, Luzon by truck. I arrived at Calumpang on 28 May 1942. I was held in Calumpang for two hours and was then forced to march 26 kilometers inland where I was held in a camp which we built out of the wilderness until 6 July 1942. I was sent back to Bilibid Prison on the latter day and remained there until 14 July 1942. On the latter date, I was sent to Cabanatuan, Luzon, arriving there on the same day. I was held at Cabanatuan until 15 August 1942, at which time I was sent by boat to the Davao Penal Colony Mindanao, P.I., arriving there 14 days later. I was held there until about 12 December 1943, at which time I was sent to Native Airfield, Davao(illegible) P. I. I was held at Native Airfield from 12 December 1943 until 16 August 1944, at which time I was sent by boat to Zamboanga, Mindanao. I arrived at Zamboanga on about 20 August 1944 and left there by boat on about 30 August for an unknown destination. On 7 September 1944 while I was on this boat and enroute from Zamboanga, the boat was torpedoed off Lilay Island, Zamboanga Province, Mindanao. I swam to shore and was rescued by Filipino Guerrillas, and was later picked up and brought out of Mindanao by an American submarine.

Q. Did you witness any atrocities of mistreatment of American citizens at any time?

A. Yes, I witnessed both mistreatment and atrocities on a road detail near Calumpang.

Q. State what you know of your own knowledge about this incident?

A. On about 28 May 1942 some 300 of us American prisoners, including myself, were marched inland about 26 kilometers on foot, I think from the small town of Calumpang, which is in the province of Tayabas on Luzon. We were taken in there to a place that had been earlier surveyed for a road, but there was no road or camp or any kind of facility at the spot where we were endamped. The road we were supposed to build was to be used for carrying supplies by the Japs between Calumpang and the Pacific Ocean. During the time we were in that spot, we slept in the rock bed of a creek with no blankets or other cover. We were given one heavy rusty wheel-barrow for sanitary purposes. We received about 1/2 a mess kit of rice each meal three times a day. We also were allowed to gather and cook into a soup, a weed called "Kangkong" which grew in the water and provided some nourishment. They gave us sufficient water. All of the men on this detail suffered from malaria or dysentary during the entire period we were there, but the Japs didn't give us any medicine or medical care of any kind. The men worked from seven o'clock in the morning until twelve noon and from twelve-thirty in the afternoon until five-thirty each night, seven days a week, with only one fifteen minute rest period in the afternoon if that particular Japanese overseer permitted it. The men were divided into sections of thirty men each and performed hard manual labor with picks, shovels, and wheel barrows. During the work, if the Japanese guards thought that any of them were not doing as much as they should be, or were feigning illness, the guards would beat the men with long bamboo clubs they carried for that purpose; these clubs were about two inches in diameter and about four feet long. The guards beat the prisoners as hard as they could

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Q. Did you witness any atrocities or mistreatment of American citizens at any time?

A. Yes, I witnessed both mistreatment and atrocities on a road detail near Calumpang.

Q. State what you know of your own knowledge about this incident?

A. On about 28 May 1942 some 300 of us American prisoners, including myself, were marched inland about 26 kilometers on foot, I think, from the small town of Calumpang, which is in the province of Tayabas on Luzon. We were taken in there to a place that had been earlier surveyed for a road, but there was no road or camp or any kind of facility at the spot where we were encamped. The road we were supposed to build was to be used for carrying supplies by the Japs between Calumpang and the Pacific Ocean. During the time we were in that spot, we slept in the rock bed of a creek with no blankets or other cover. We were given one heavy rusty wheel-barrow for cooking purposes. We received about 1/2 a mess kit of rice each meal three times a day. We also were allowed to gather and cook into a soup, a weed called 'Kangkong' which grew in the water and provided some nourishment. They gave us sufficient water. All of the men on this detail suffered from malaria or dysentery during the entire period we were there, but the Japs didn't give us any medicine or medical care of any kind. The men worked from seven o'clock in the morning until twelve noon and from twelve-thirty in the afternoon until five-thirty each night, seven days a week, with only one fifteen minute rest period in the afternoon if that particular Japanese overseer permitted it. The men were divided into sections of thirty men each and performed hard manual labor with picks, shovels, and wheel barrows. During the work, if the Japanese guards thought that any of them were not doing as much as they should be, or were feigning illness, the guards would beat the men with long bamboo clubs they carried for that purpose; these clubs were about two inches in diameter and about four feet long. The guards beat the prisoners as hard as they could

192

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Q. Did you witness any atrocities of mistreatment of American citizens at any time?

A. Yes, I witnessed both mistreatment and atrocities on a road detail near Calumpy.

Q. State what you know of your own knowledge about this incident?

A. On about 18 May 1942 some 300 of us American prisoners, including myself, were marched inland about 26 kilometers on foot, I think, from the small town of Calumpy, which is in the province of Tayabas on Luzon. We were taken in there to a place that had been earlier surveyed for a road, but there was no road or camp or any kind of facility at the spot where we were dumped. The road we were supposed to build was to be used for carrying supplies by the Japs between Calumpy and the Pacific Ocean. During the time we were in that spot, we slept in the rock bed of a creek with no blankets or other cover. We were given one heavy rusty wheel-barrow for moving purposes. We received about 1/2 a mess kit of rice each meal three times a day. We also were allowed to gather and cook into a soup, a weed called "Kangkong" which grew in the water and provided some nourishment. They gave us sufficient water. All of the men on this detail suffered from malaria or dysentery during the entire period we were there, but the Japs didn't give us any medicine or medical care of any kind. The men worked from seven o'clock in the morning until twelve noon and from twelve-thirty in the afternoon until five-thirty each night, seven days a week, with only one fifteen minute rest period in the afternoon if that particular Japanese overseer permitted it. The men were divided into sections of thirty men each and performed hard manual labor with picks, shovels, and wheel barrows. During the week, if the Japanese guards thought that any of them were not doing as much as they should be, or were feigning illness, the guards would beat the men with long bamboo clubs they carried for that purpose; these clubs were about two inches in diameter and about four feet long. The guards beat the prisoners as hard as they could

about the head, shoulders, or skins. Most of these beatings occurred when the prisoners became too sick and weak to continue their work. The guards then would beat and and beat the sick men to the ground. On other occasions, the prisoners would be given orders by the Japs but couldn't understand the Japanese language because they couldn't understand they couldn't follow the orders/and this would often anger the Japs who would then beat the men to the ground with their clubs. Sometimes instead of beating the prisoners, the guards would force them to stand still with both hands extended straight ahead and hold a pick ax for long periods of time until they passed out. If the prisoner wavered, the guards would beat him with the bamboo clubs. If the prisoner fell unconscious, the guards would often kick him in the ribs. I have seen this happen often.

Q. Did you see anybody die as a result of this?

A. During the time we were on this detail, two or three men whose names or identities I do not know were carried into camp after work in an adjoining coalmine because of beatings I have witnessed. These particular men died the same night because of the beatings. I don't remember many definitely the exact dates but only know the deaths occurred and as a result of beatings while on that road detail.

Q. Did you see any other atrocities on this road construction job?

A. No, I guess that's about all. On the first day we arrived at the camp the senior American Officer of the detail, Captain Donovan (phonetic) who was formerly with the 200th Coast Artillery Anti-Aircraft, died as a result of malaria and other exhaustion. During the second day eight more of the American prisoners died from the same causes. During the remainder of the days on that detail about 250 more of the prisoners died from malaria, dysentery, overwork, and mistreatment.

Q. Could you identify in any way any of the Japanese guards or their superiors who were in charge of that detail?

A. There was one Japanese Lieutenant and about twenty-five enlisted men who were our guards and came out of Camp O'Donnell on detached service. The Japanese Lieutenant was about 40 years old, stocky, and real dark complected. He always had a smile and spoke a little English. His name was Yamamoto (Phonetic).

Q. Were you of the opinion that these Japanese who were in charge of this particular detail were under the command of the Commanding Officer of Camp O'Donnell?

A. Yes, they were.

Q. Do you know who the Commanding Officer of Camp O'Donnell was?

A. No, but he was responsible to General Homma at the time of this atrocity.

Q. Do you know any of the names of the other officers or enlisted men in your

detail who would know of the details concerning the mentioned atrocities?

A. Yes, but out of the entire 400 men, approximately 100 survived that detail and the only ones who lived from the latter 100 prisoners and myself and a Sgt. Overton from the State of Illinois. The others all died at Bilibid Prison and Cabanatuan where they were taken following the road detail. I heard news of this by rumor and have no reason to doubt it considering the shape these men were in when I left them. Of course, I saw and know many of them died since I was also imprisoned at Bilibid and Cabanatuan following the detail for about forty days.

Q. Who was second American prisoner in command during the road detail?

A. A Captain Reeves who I believe died soon after from general mistreatment, malaria and dysentery -- just like so many others died.

/s/ Henry A. Hetsinger
/t/ Henry A. Hetsinger, T/4
AGF - 6280340

State of: Missouri }
County of: Jackson } ss

I, Henry A. Hetsinger, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Henry A. Hetsinger
/t/ Henry A. Hetsinger, T/4, 6280340

Subscribed and sworn to before me this 11th day of June 1945.

/s/ Vera D. Howland
/t/ VERA D. HOWLAND, 1st Lt., AUS
Adjutant, Dist #3, 7SC

AFFIDAVIT

I, Edward G. Wendell, T/Sgt, AGF 37424793, Agent 310, certify that on 25 May 1945, personally appeared before me Henry A. Hetsinger, T/4, AGF 6280340,

-4-

[redacted]

detail who would know of the details concerning the mentioned atrocities?

A. Yes, but out of the entire 600 men, approximately 100 survived that detail and the only ones who lived from the latter 100 prisoners and myself and a Sgt. Overton from the State of Illinois. The others all died at Hilibid Prison and Cabanatuan where they were taken following the road detail. I heard some of this by rumor and have no reason to doubt it considering the shape these men were in when I last saw them. Of course, I saw and know many of them died since I was also imprisoned at Hilibid and Cabanatuan following the detail for about forty days.

Q. Who was second American prisoner in command during the road detail?

A. A Captain Stiers who I believe died soon after from general mistreatment, malaria and dysentery -- just like so many others died.

/s/ Henry A. Hotzinger
/s/ Henry A. Hotzinger, T/4
ASN - 6280340

State of: Missouri }
} ss
County of: Jackson }

I, Henry A. Hotzinger, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Henry A. Hotzinger
/s/ Henry A. Hotzinger, T/4. 6280340

Subscribed and sworn to before me this 11th day of June 1945.

/s/ Vera D. Rowland
/s/ VERA D. ROWLAND, 1st Lt., WAC
Adjutant, Dist #3, 7SS

[redacted]

I, Edward B. Tyndall, T/Sgt., ASN 37424793, Agent CIC, certify that on 25 May 1945, personally appeared before me Henry A. Hotzinger, T/4. ASN 6280340,

-4-

[redacted]

detail who would know of the details concerning the mentioned atrocities?

A. Yes, but out of the entire 400 men, approximately 100 survived that detail and the only ones who lived from the latter 100 prisoners and myself and a Sgt. Overton from the State of Illinois. The others all died at Bilibid Prison and Cabanatuan where they were taken following the road detail. I heard some of this by rumor and have no reason to doubt it considering the shape these men were in when I left our them. Of course, I saw and know many of them died since I was also imprisoned at Bilibid and Cabanatuan following the detail for about forty days.

Q. Who was second American prisoner in command during the road detail?

A. A Captain Jones who I believe died soon after from general mistreatment, malaria and dysentery -- just like so many others died.

/s/ Henry A. Hetzinger
/s/ Henry A. Hetzinger, T/4
ASN - 6280340

State of: Missouri }
County of: Jackson } ss

I, Henry A. Hetzinger, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Henry A. Hetzinger
/s/ Henry A. Hetzinger, T/4. 6280340

Subscribed and sworn to before me this 13th day of June 1945.

/s/ Vera D. Howland
/s/ VERA D. HOWLAND, 1st Lt., AUS
Adjutant, Dist #3, 7SC

REDACTED

I, Edward G. Vandall, T/Sgt. ASN 37524793, Agent CIC, certify that on 25 May 1945, personally appeared before me Henry A. Hetzinger, T/4, ASN 6280340,

-4-

REDACTED

[redacted]

and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Henry A. Metzinger read the same and affixed his signature thereto in my presence.

Place: Kansas City, Missouri

Date: 13 June 1945

/s/ Edward H. Tendall
/E/ Edward H. Tendall, 0-414 378

A CERTIFIED TRUE COPY:

/s/ [illegible]
1st Lt. A.C.

[redacted]

(85)

Recorded
C.M.T.O. 16

331

[redacted]

RESTRICTED

AFFIDAVIT

To, WILLIAM LEVINE, Capt., O-398[illegible], F.D., and FRANCIS E. [illegible], 2d Lt., O-[illegible], Inf., verify that on 10 December 1945, personally appeared before us MASAO MURAI, and gave his foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said MASAO MURAI read the same and affixed his signature thereto in our presence.

Charles, William
Phillipines

/s/ Wayne Levine.
WAYNE LEVINE, Capt., F.D.,
Investigating Officer, War Crimes
Investigating Detachment.

10 December 1945.

/s/ Wayne O. Mercantile
WAYNE O. MERCANTILE, 2d Lt., Inf.,
Investigating Officer, War Crimes
Investigating Detachment.

A CERTIFIED TRUE COPY.

[signature]
1st Lt., AGD

U. S. A. VS MASAHARU HONMA
PROSECUTION
DEFENSE EXHIBIT No. 332
RECEIVED U.S. Exhibit #6
(Exh. Honma
Def. Case 189
Exh. B 332)

REGISTERED

LIST OF NAMES OF AMERICAN SOLDIERS BURIED IN THE CAPAS NATIONAL CEMETERY FROM THE PERIOD 25 MAY 1942 TO 30 JUNE 1942. DISINTERRED FROM THE CAPAS MILITARY RESERVATION AND REMOVED BY THE QUARTERMASTER GRAVES REGISTRATION SERVICE OF THE NINTH CORPS AREA.

1942

May 25 Pvt. Clayton [redacted] (U.S.Army), Bobby Hinton, 21 yrs., cerebral malaria, Co. D, Ambassador Hotel, Los Angeles, California.

May 25 Stanley F. [redacted] (U.S.Army), 22 yrs., No. [redacted], cerebral malaria, Sweetwater, Texas.

May 30 Guy A. [redacted] (U.S.Army), 23 yrs., No. [redacted], cerebral malaria.

June 1 Johnnie H. [redacted] (U.S.Army), 22 yrs., brother, Antonia Nuben, via Prescott, Arizona, cerebral malaria.

June 4 Clyde O. [redacted] (U.S.Army), 27 yrs., Father, Charles Brown, Atlanta, Mich., cerebral malaria.

June 7 Clyde L. [redacted] (U.S.Army), 35 yrs., Father, G.W. Deering, 2326 31st Street, Lubbock, Texas, dysentery.

June 17 Pvt. William B. [redacted], Jr., (U.S.Army), 21 yrs., No. [redacted], Nine, Virginia, cerebral malaria.

June 23 Alfred [redacted] (U.S.Army), PFC, 21 yrs., Mrs. A.J. Garriman, 93 Stevenson St., San Francisco, California, dysentery.

June 25 Pvt. O. V. [redacted] (U.S.Army), Mrs. E. T. Hankins, Box 231, Columbus, Kansas, dysentery.

June 25 Doug [redacted] (U.S.Army), No. 6239708, Mrs. P. Gorgan, 3 Gordon Drive, Inf., Simmons, Michigan, dysentery.

June 27 Victor [redacted], (U.S.Army), No. 33089012, Mrs. Daniel, Portland, Me., dysentery.

June 27 Henry F. [redacted] (U.S.Army), No. 6897307, 23 yrs., Mrs. E. F. Black, Chatham, Va., malaria.

June 27 Edward [redacted] (U.S.Army), No. 16018297, 23 yrs., Mrs. C. E. Norton, 28 Groves Ave., Guilford, Connecticut.

June 30 Ellis F. [redacted] (U.S.Army), single, 24 yrs., malaria. Nat Galesburg, Illinois.

June 30 Joseph S. [redacted] (U.S.Army), No. 6453990, Mrs. J. P. Fushing, 5th St Post, S.E. Warren, Ohio.

Exhibit "B"

REGISTERED

20 December 1945

SUBJ: Re Investigation of Case D-50, Capas Bridge Burial.

I. INVESTIGATION:

This investigation was conducted during the period 29 November 1945 to 12 December 1945 by Capt. Boyer LEVIN, T.S., and 2d Lt. Herman G. MAGARELLI, Inf., pertaining to the following:

Mistreatment of American prisoners of war involved in the Capas Bridge at Barrio Cutcut, Capas, Tarlac, P.I., during the months of May, June and July 1942, by members of the Imperial Japanese Army in violation of Paragraph , Rules of Land Warfare, FM 27-10.

II. PROCEEDINGS:

1. The following named witnesses were duly sworn and testified as hereinafter appears:

NAME	AGE	SEX	HOME ADDRESS	RACE
[illegible], Gervasio E.	43	M	Capas, Tarlac, P.I.	A
[illegible], Fernando D.	43	M	Capas, Tarlac, P.I.	T
[illegible], Lamberto B.	29	M	Capas, Tarlac, P. I.	Ig
[illegible], Placido B.	42	M	Capas, Tarlac, P.I.	Ig
[illegible], Manuel	60	M	Manila, Rizal, P.I.	M

2. The following named witnesses having been interviewed by the Investigator-Examiner possess knowledge of the facts set forth in the statements of the above persons:

NAME	AGE	SEX	ADDRESS	NATIONALITY
VERA, Victor	48	M	Capas, Tarlac, P.I.	Filipino
[illegible], Maj. Alberto Q	37	M	Capas, Tarlac, P.I. Filipino Ar 5th Gu., 36 Engr Bn, Camp Murphy, Manila, P.I.	
[illegible], Fausto	41	M	Capas, Tarlac, P.I.	Filipino
BALAOTAN, Francisco	36	M	Capas, Tarlac, P.I.	Filipino

3. Pablo G. GUTIAO, 39 Calapan St., Sampaloc, Manila, Philippines, was duly sworn and acted as interpreter.

4. The following duly authenticated or identified documents were considered:

[illegible] the Japanese officer in charge of the a construction [illegible] bridge was Lt. ARIMU, first name unknown. A description of him may be found in the statements of [illegible], and Father PUJOL. From an identification book, [illegible] that there is a Capt. Yoshi ARIMU [illegible], ser 51276450, interned at Camp #1, Omuta, Kyushu, who arrived at Singapore, Singapore, S.S., on 8 January 1942 and on 9 January 1942 proceeded to Cagas, Davao, P.I. He stated that he was in charge of the construction of the bridge in January 1942 and later in May of the same year.

3. A Sgt. IMAMURA, first name unknown, [illegible] charge of the supplies in Cagas, Davao, P.I., and was very cruel to the American prisoners of war and the Filipino civilians. A description of him may be found in the statements of [illegible], Otis and Father PUJOL. It has been determined [illegible] Sgt. IMAMURA was interned at Omuta Camp #23, Kyushu 101. A list of all the Japanese soldiers under Lt. ARIMU's command is attached hereto.

4. Father P Ramon PUJOL, who was parish priest at Cagas, Davao, P.I., and who acted as chaplain to the American prisoners of war while they were in Cagas, had occasion to visit the prisoners quarters and describes the conditions he found there in his statement. A copy has been made of the list of Garrison Unit found in the church records at Cagas and is submitted as an exhibit. Father PUJOL also provided us with a photograph given to him by a Japanese soldier, showing [illegible], Sgt. IMAMURA, and several other unidentified Japanese who were garrisoned in Cagas.

5. MAGBITAY, first name unknown, acted as a foreman and interpreter for the Japanese at Cagas, Davao, P.I., and was extremely cruel to both the Americans and Filipinos in the area. It has been impossible to locate his whereabouts.

6. It is believed that sufficient competent evidence now available has been perpetuated.

/s/ Harry Levine
/s/ [illegible], Capt., F.D.
Investigating Officer, War Crimes Investigating Detachment.

/s/ Thomas E. Donnelly
/s/ Thomas E. Donnelly, 2d Lt., Inf.
Investigating Officer, War Crimes Investigating Detachment.

A CERTIFIED TRUE COPY

[signature]

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 332
RECEIVED 5 Jan 46

SECRET/SECURITY INFORMATION

[redacted] (Name) [redacted] (Rank) [redacted]

after being duly sworn as [redacted]

on [redacted], 1945, testified as follows:

Q. How old are you?

A. 24.

Q. Were you captured by the Japanese and made a prisoner of war? If so, when and where?

A. Surrendered as a POW on 9 April 1942.

Q. At the time of your capture of what unit were you a member?

A. Hq. Co., Philippine Dept.

Q. By what Japanese unit were you captured?

A. Japanese Infantry.

Q. Do you expect to be repatriated, and if so, to what country?

A. United States

Q. What will your complete address be after your repatriation?

A. 85 S Westfield, Pittsfield, Mass.

Q. Will you state the names and locations of the camps in which you were held as a prisoner of war and the dates you were confined in each camp?

Camp and Location	Dates
A. Camp O'Donnell, Philippines	10 Apr 42 to 5 Jun 42
Bataan Work Detail	Apr 42 to 5 Jun 42
Bilibid Camp, Philippines	5 Jun 42 to 5 Jun 42
Cabanatuan, Philippines	5 Jun 42 to [illegible] 42
Zutmal, Japan	Dec 44 to May 45
Ashio, Japan	May 45 to [illegible] 45

Q. Do you know, or have you reason to believe, that the Japanese Government failed to treat prisoners of war with humanity or otherwise committed atrocities and war crimes against them?

A. Yes.

SECRET/SECURITY INFORMATION

/s/ [illegible]

SECRET INFO

[redacted] (Name) [redacted] (Rank) and [redacted]
after being duly sworn at [redacted]
on [redacted], 1945, testified as follows:

Q. How old are you?

A. 24.

Q. Were you captured by the Japanese and make a statement at such or any other time?

A. Surrendered as a POW on 9 April 1942.

Q. At the time of your capture at what unit were you a member?

A. Hq. Co. Philippine Dept.

Q. By what Japanese unit were you captured?

A. Japanese Infantry.

Q. Do you expect to be repatriated, and if so, to which country?

A. United States

Q. What will your complete address be after your repatriation?

A. 24 I Scottsville, Mississippi.

Q. Will you state the names and locations of the camps at which you were held as a prisoner of war and the dates you were confined at each camp?

A.

Camp or Base	Location	Dates
Camp O'Donnell	Philippines	10 Apr 42 - [illegible] 42
Bataan Death Patrol		Apr 42 - [illegible] 42
Bilibid Camp	Philippines	[illegible] 42 - [illegible] 42
Cabanatuan	Philippines	[illegible] 42 - [illegible] 44
Zentsuji	Japan	Nov 44 - Aug 45
Ashida	Japan	Aug 45 - [illegible] 45

Q. Do you know, or have you reason to believe, that the Japanese Government [redacted] failed to treat prisoners of war with humanity or otherwise committed atrocities and war crimes against them?

A. Yes.

SECRET INFO

/s/ R.E.K.

Q. Will you state all facts in detail pertaining to atrocities, war crimes, violations of Rules of Land Warfare and human decency at Bataan Work Detail (camp or other place) the dates thereof, the perpetrators, giving their names, ranks, units and other identifying information.

A.

I was put on detail down on penn. of Bataan cleaning up all war material left there. We were at Balanga Using American trucks to haul. Flips were stealing tires off the trucks. American walked guard with Japs because we were ordered to. One night about 150 Filipinos planned to attack the camp. The Japs made us line up the trucks, turn the lights on, put the American prisoners in a line in front of the trucks. They got behind us with rifles and made us march toward the attacting Filipinos. The Filipinos dispersed - the Japs captured 1 Filipino who gave information others. 3 more were taken and tortured them too. Americans were taken to the place were the Filipinos were taken and again used as shields. These 3 told of 5 more which were taken making 13 in all. They were tortured, tied, hot salt water poured down them, hot tallow from candles put in their eyes, paper burned between their toes, then hung up by their fingers all night. The next day they were loaded in a truck, carried out on the Palar Bagac. The Jap Capt cut one's head off, a soldier bayented one - this kept up until they were all killed except one who ran. We had to chase him. The Japs started shooting over our heads - Capt. Knowles a Med. officer shouted to us to hit the ground. When we did not catch the Filipino the Jap Capt said he was going to kill 5 Americans for this. A Jap soldier persuaded him not to do it. He then made us go to the truck - 2 Americans wer made to hold one Filipino while the Capt. would cut the Filipino's head off with his sword. The captains name was Sasachi. (Sayasacki)

We loaded equipment from Bataan ships. We were forced to do drills an hour before breakfast an hour after supper. When any member did something wrong he got hell knocked out of his and the rest of the group was made to run for miles. Their favorite weapon war a pick handle. The Capt. said always - you will not be treated as Int. Guests but as prisoners of war, when he punished you punished you were ready for the doctor. A 2 star private (Heatason) was the chief punisher. He used the side of his saber.

/s/ Pandarasan B. Nalah

Subscribed and sworn to before me this 24 day of Sept, 1945.

A CERTIFIED TRUE COPY:

/s/ William H. Brown
/s/ WILLIAM H. BROWN

/s/ James R. Rees 2d Lt., Inf.

RESTRICTED

U. S. A. vs MASAHARU HOMMA
PROSECUTION
Defense
EXHIBIT No. .....
RECEIVED

3827316333

For the WAR CRIMES OFFICE

Judge Advocate General's Department- War Department

United States of America

- vs -

In the matter of the hearing of Sgt. Sigmund F. Rolland, ASN 14018488, American prisoner of war, or dependent military, while on duty AUGUST AD Tokyo, and Philippines, in June 1945.	Investigation of hearing of Sigmund F. Rolland, Sgt., ASN 14018488.

Interrogation: Orlando, Florida

Date: 19 October 1945

By the interrogator:	William T. Brandler, Special Agent, Security Intelligence Corps, 6th Service Command, ASF.
Recorder:	Capt. J. Cummings, Secretary, Naval Technical Training Command, Daytona Beach, Florida.
Witness is:	William F. Brandler, Special Agent, ASF.

Q. What is your name, rank, serial number, and permanent address?
A. Sigmund F. Rolland, Cpl., ASN 14018488, Route 1, Box 109, Lealman, Fla.

Q. What is your date and place of birth?
A. 7 October 1918, Sulphur, Florida.

Q. What education have you had, and what was your civilian occupation before entering the Army?
A. I graduated from high school, and was a carpenter by trade before entering the Army in 1940.

Q. Have you recently been returned to the United States from overseas?
A. Yes, in March 1945.

Q. Were you a prisoner of war?
A. Yes.

Q. At what places were you held, and state the approximate dates.
A. Was captured on Bataan, the Philippines, 9 April 1942. Confined at Camp Cabanatuan until 25 April 1942. From approximately 25 April 1942 to 27 July 1942 was held at Bilibid Prison Camp on Bataan, and was on work details on Bataan. For the period from approximately 27 July 1942 to approximately 9 November 1942 was at Cabanatuan, the Philippines. From 9 November 1942 to 6 December 1942 was at the Port Terminal Building, Pier No. 7, Manila Harbor, where I was employed on a shoreside detail. From approximately 6 December 1942 to 15 June 1944 was at Bilibid Prison Camp. From approximately 15 June 1944 until liberated on 30 January 1945, was at Cabanatuan.

Q. Were you ever beaten by Japanese prison authorities while a prisoner of war?
A. Yes.

Q. State any details which you recall about this beating.

CONFIDENTIAL

[illegible]

A. In the latter part of June 1945 I was working on a maximum number of [illegible] (phonetic), the location of the base and right across [illegible] before Japanese invasion. A Japanese guard, whose name is [illegible] as to [illegible] name to him. I believe/that I was correct, but one of the [illegible] assisting were also white people known to the [illegible]. I did not [illegible] I had allowed the rise of which I could have gotten to [illegible] do this in appreciation of the being also, and showed it to the [illegible] plate until I fell to the ground, and died in [illegible] there. I was very weak physically at the time. [illegible] guard spoke English fluently, I am fairly sure of [illegible] his name. The detail I was on was guarded at the [illegible] knew and met under any Japanese authorities [illegible] were only the Japanese handling this detail were [illegible] base.

Q. Do you know the name of the Japanese officer in charge?
A. No. It was a tan Lt., slightly higher [illegible] orderly) in appearance than the average Japanese.

Q. Did any other American prisoners see this incident?
A. Not to my knowledge.

Photo off Florida
Comdr off Georgia

I, Leonard F. Tolliver, of lawful age, [illegible]
I have read the foregoing transcription of my [illegible]
corrected thereon are true to the best of my knowledge and belief.

Witnessed and sworn to before me this [illegible]

AFFIDAVIT

I, William F. Snowden, Special Agent, Security Investigations Unit, 7th Service Command, APO, certify that Leonard F. Tolliver, 0-[illegible], personally appeared before me on 18 August 1948 and [illegible] correct; and that the foregoing is an accurate transcription of the answers given by him to the several questions put to him.

/s/ William F. Snowden
/s/ [illegible]
Special Agent, MIS

A CERTIFIED TRUE COPY

Lt. Col. Assistant Chief of Staff, G-2

DECLASSIFIED

[redacted]

A. In the latter part of June 1942 I was working in a counter office in Manila (Philippines), the location of the last one which belonged to the Japanese Army. A Japanese guard, whose name is [redacted] came to him. I understood that I was wanted, but due to the fact that the guard spoke very little English to me and I did not speak Japanese, I did not know the time by which I would have arrived at the [redacted] to which he was assigned at the latter date, and returned to the [redacted] there until 4 P.M. in the afternoon, and then to return to the [redacted] dinner. I was very much physically at the time. [redacted] guard spoke English; therefore, I am sure some of the words he said were. The result I was to the effect of the [redacted] Army was not under the Japanese [redacted] police work. It is my opinion that the Japanese handling this brutal work under Army control.

Q. Do you know the name of the Japanese officer in charge?
A. No. He was a Col. [redacted], slightly [redacted] and I [redacted] understood in conversations that the average [redacted].

Q. Did any other American prisoners see this [redacted]?
A. Not to my knowledge.

[redacted]

[redacted]

[redacted]

I, William T. Sexton, Special Agent, Security Investigations Unit, Service Command, AAF, certify that [redacted] personally appeared before me on 18 August 1945 and [redacted] oath; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

A QUALIFIED [redacted]

/s/ William T. Sexton
/t/ William T. Sexton
Special Agent, SIU

[redacted]

[redacted]

A. In the latter part of June 1942 I was working on a counter [illegible] Mr. Inouye, of the Board who could speak to [illegible] Japanese language, a Japanese gentle whose name is [illegible] name to him. I introduced [illegible] looking over after which [illegible] I had allowed the use of [illegible] to the be registered at the [illegible] Plata until I left [illegible] sheet. I saw [illegible] quest upon leaving [illegible] his name. The small [illegible] there was not under any [illegible] over that the Japanese [illegible] name.

Q. Do you know the name of the Japanese arrived in Phoenix?
A. No. He was a Nisei [illegible] oriented in appearance than the average Japanese.

Q. Did any other American prisoners see this individual?
A. Not to my knowledge.

[redacted]

Phoenix Art Florist
Specialty Art Service

[redacted]

I, Reginald T. Tatlock, do hereby [illegible] I have read the foregoing [illegible] contained therein was true to the best of my [illegible]

[redacted]

Subscribed and sworn to before me this 20th day of August 1942.

[redacted]

[redacted]

I, William F. Brandon, Special Agent, Security Intelligence Branch, Western Defense Command, ASF, certify that Reginald T. Tatlock, Jr., [illegible], personally appeared before me on 19 August 1942 and testified concerning the matters set forth in the foregoing is an accurate transcription of the answers given by him to the several questions put to him.

A TRUE COPY

/s/ William F. Brandon
/s/ William F. Brandon
Special Agent, ASF

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

SUPPLEMENTED

I surrendered to the Japanese forces and around one month later I was picked up by an American submarine and eventually returned to Guadalcanal, Australia from where I finally returned to the United States.

Q Are you familiar with the circumstances surrounding the execution of two unknown American aviators on Wake Island on October fourth, 1943?

A Yes, I am.

Q State what you know of your own knowledge about such incident.

A After I was moved from Camp No. 1, Yokohama to Camp No. 5, I was sent out almost immediately on a work detail to Sakawa for the purpose of unloading ammunition and rice from Saipan. This detail consisted of fifty men and one guard with me as the detail man of the men assigned. The men making the Japanese flag up our active group and of the remaining men picked two men at random from the group who were to be executed for the escape of the one man during the preceding night. These men were lined up in front of the camp at 10:00 AM and a squad of Japanese guard and carried the two right brothers who were. There was very excited right where they were executed. They were buried at their own request. Then the detail finally returned to Camp No. 5, in Yokohama, the Japanese reported that there was two head of Allied civilians working on the detail. Mr. Schmidt about was the name and who prior to the war had operated a dispute shop in Manila. He was 5'7" tall, weighed about 165 pounds, had dark hair, complexion, a little lighter than average, dark hair and eyes, no glasses, 40 or 45 years old and clean shaven.

S/ Chester E. Rose
T/ Chester E. Rose, T/Sgt. USA

State of Texas }
County of Bexar } ss.

I, Chester E. Rose, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

S/ Chester E. Rose
T/ Chester E. Rose, T/Sgt. USA

Subscribed and sworn to before me this 10 day of June 1945.

S/ Reynold E. Hays
S/ Reynold E. Hays, Capt., A.C.
Investigating Officer

SUPPLEMENTED

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

In the matter of [illegible]

Q. [illegible]

A. [illegible] presently a member of the [illegible] Department, and [illegible] address is 2540 Broadway, [illegible]

Q. [illegible]

A. I [illegible], in Columbus, Ohio. My education was completed [illegible] High School, and for a number of years prior to [illegible] in the Army, I was engaged as an airplane [illegible]

Q. [illegible]

A. [illegible] on April 10, 1942. I was engaged in fighting the Japanese [illegible] the Philippine Islands as a member of the 7th Material [illegible] Squadron, [illegible]. On either the 8th or 9th of April [illegible] Japanese [illegible] U.S. Army units, surrendered to the Japanese, and I was taken into custody by the Japanese as a prisoner of war. On the day following such surrender, I was [illegible] by the Japanese into a group of one hundred men, and began a participation with them and other prisoners in the so-called "Death March" from Bataan to Camp O'Donnell, Philippine Islands. This journey terminated on or about April 18, 1942, when we arrived at Camp O'Donnell. I was at Camp O'Donnell, for approximately one week immediately following arrival there. At the end of such approximate week's period, I became part of a work detail of fifteen U. S. soldier prisoners who were transported to Harvalos, Luzon. As a part of such work detail, I remained at Harvalos until the latter part of July, 1942, when I was transferred as a prisoner to Camp No. 11 Cabanatuan, Luzon. I remained there as a prisoner continuously from such date until January 30, 1945, when I was liberated by U. S. Army forces.

Q. How recently have you returned to the United States from the Philippines?

RESTRICTED

Q. I arrived at the Pentagon, [illegible] Road.

Q. You have stated that you were part of a detachment of the 716th MP Battalion from April, 1965, through the latter part of July, 1965. Did you at any one time have custody of Marine Private William Lemasters or were there several Marine MP's involved?

A. Yes. On each detail during this period of time assigned to escort Lemasters. On one occasion I requested assistance from officers down in the barracks and took five Marine personnel on the detail, which consisted of United States Army personnel. Line up outside the barracks and five were chosen from those present for about fifteen minutes. I personally received this order and complied with it.

Q. Did you witness any deployment of personnel on that post outside at Barracks which you have mentioned on more than one occasion to be referred to directly surrounding the Lemasters barracks area?

A. Yes. During the whole period of my assignment at Barracks, I together with the other Sergeant was in the habit of checking in starting and completing our tour by the Lemasters barracks. Each personnel, including those who were present in the vicinity of Barracks. Lemasters on the courtesy of several occasions. [illegible] In regular tours we were relieved every two hours [illegible]

Q. Was the Captain who was in the Pentagon assigned to the 716th detail at Barracks or was there an officer [illegible] Lemasters Barracks, to any further details accomplished any of the matters which you have just discussed.

A. No.

[illegible]

CONFIDENTIAL

-2-

[redacted] arrived at the Barracks, and subsequently [redacted]

Q. You have stated that you were part of a platoon of the 101st Airborne Division [redacted] Then, through the 4th and 5th July, 1968. Did you witness the apprehension of [redacted] Vietnam witnesses or participate [redacted]

A. Yes. We were ordered during each patrol to send [redacted] within hamlets. On the occasion of a [redacted] officer down in the hamlets and make the [redacted] of the hamlet, which consisted of Vietnam [redacted] line up outside the barracks one day and [redacted] for about fifteen minutes. I personally [redacted] and complied with it.

Q. Did you witness any mistreatment of prisoners or the [redacted] at Barracks which you have mentioned or were [redacted] observed or directly surrounding the [redacted] witness's presence?

A. Yes. During the whole period of my [redacted] I [redacted] together with the other Americans who [redacted] in assisting [redacted] in the beating of [redacted] Vietnam [redacted] and [redacted] in the presence of [redacted] [redacted] [redacted]

[redacted]

-3-

[redacted]

EXHIBIT 338 (40-4-3/8)

SAVILLA/O - REJECTED

A picture of Anastacio Santiago, Courtesy Scout, patriotic on the graves of the 27 American Prisoners of War at the Japan Cemetery, Tagum, Davao Del.Sur, P. I.

REDACTED

Corporal E. TIBBS, after having been duly sworn, testified as follows, on 20 December 1945, at Tokyo:

Q What is your full name, age, civil status, nationality and religion?
A Corporal E. TIBBS, 27 years old, married, Filipino, Catholic.

Q What is your present address?
A Omiya, Saitama Ken.

Q Do you intend to move from this address in the near future?
A Yes.

Q In case you move from this address, for whom should you can be located?
A My sister, Angela E. TIBBS, residing at Omiya, Sunday, Omi Saitama, Saitama Ken.

Q What is your educational attainment?
A U.S. and U. S. Ex Observer of sanitation and hydrography in public health).

Q In 1942, what position did you hold in Omiya, Saitama Ken?
A I was the president of the Sanitary Station in Omiya, Saitama Ken.

Q Do you remember if any American prisoners of war were brought to Omiya Elementary School, Omiya, Saitama Ken?
A Yes.

Q What was there?
A About the hundred American prisoners of war arrived at Omiya Elementary School, Omiya, Saitama Ken.

Q As treatment of the third Omiya Elementary, did you have any occasion to speak those American prisoners of war in that school building?
A Yes, I did.

Q How did it happen that you treated them?
A Capt. YAMADA, the Japanese Garrison Commander and MATSUI, the Japanese Interpreter, called me or and as I was not there, they sent my wife and instructed her to tell me to treat the American prisoners of war who were also in the Omiya Elementary School as he had more confidence in government physicians. I learned that the Americans were dying eight in a day and the Japanese were rather alarmed.

Q Can you describe the physical condition of the American prisoners of war at that time?
A They were sickly. The majority did not have proper clothing. They slept in the floor without any mats or blankets and they used the books in the school house as their pillows.

C.O.B.

RESTRICTED

[illegible] M. YOUNG, after having been duly sworn, testified in Japan, Korea Unit, as follows:

Q Start in your full name, age, civil status, nationality and religion.
A [illegible] M. Young, 43 years old, married, Methodist.

Q What is your present address?
A Seoul, Korea Unit.

Q Do you intend to move from this address in the near future?
A Yes.

Q In case you move from this address, how could more [illegible] you can be located?
A My mother, Mrs. M. Young, residing at Tampa, Florida, can locate Korea Unit.

Q What is your educational attainment?
A A.B. and B. D. [illegible] of religion and Christianity in Southern Methodist.

Q In 1941, what position did you hold in Japan, Korea Unit?
A I was the president of the Seoul Union of Seoul, Korea Unit.

Q Do you remember if any American prisoners of war were brought to Japan South Executive Council by the Japanese?
A Yes.

Q When was that?
A It was in the early of May, 1942. I do not remember the exact date.

Q How many were there?
A About two hundred American prisoners of war [illegible] Korea Elementary School, Seoul, Korea Unit.

Q As President of the Seoul Union Christian, did you have any occasion to visit those American prisoners of war in that school building?
A Yes, I did.

Q How did it happen that you located there?
A Capt. YAMADA, the Japanese Central Commander and KELLY, the Japanese Interpreter, called on me and as I was not home, they left up this and instructed her to ask me to treat the American prisoners of war that were also in the Seoul Elementary School as to [illegible] more confidence in government physician. I learned that the Americans were dying eight in a day and the Japanese were rather alarmed.

Q Can you describe the physical condition of the American prisoners of war at that time?
A They were sickly. The majority did not have proper clothing. They slept in the floor without any mats or blankets and they used [illegible] in the school house as toilet [illegible].

J.A.W.

RESTRICTED

Q From the time you treated these American prisoners of War until they were taken away, how many died?
A I do not know exactly.

Q Do the 37 American prisoners of War who died, did that include those who died before you treated them?
A Yes.

Q Do you have anything further to add to your testimony?
A Nothing, except that the Japanese commander told me that the Filipinos were only with the Japanese by their mouth but by heart they were with the Americans. And that was the primary reason why the Japanese stopped me from giving medical assistance to the Americans.

/s/ Godofredo M. Tinio
/s/ GODOFREDO M. TINIO

COMMONWEALTH OF THE PHILIPPINES)
Province of Nueva Ecija) ss
Municipality of Gapan)

I Godofredo M. TINIO, being duly sworn on oath, state that I have read and understood the foregoing transcription of my interrogation and all answers contained therein, consisting of four pages, are true to the best of my knowledge and belief.

/s/ Godofredo M. Tinio
/s/ GODOFREDO M. TINIO

Subscribed and sworn to before me this 29th day of November, 1945.

/s/ Primitivo I. Ramirez
/s/ PRIMITIVO I. RAMIREZ 1st Lt. JAGD

CERTIFICATE

We, Richard B. Wilson, 1st Lt., AGD 0-543447, Inf., and Primitivo I. Ramirez, 1st Lt., AGD P-23044, JAGD, certify that on 26 day of November, 1945, personally appeared before us Godofredo M. TINIO and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed the said Godofredo M. Tinio read the same and affixed his signature thereto in our presence.

Gapan, Nueva Ecija

/s/ Richard B. Wilson
/s/ RICHARD B. WILSON, 1st Lt., INF

29th November, 1945

/s/ Primitivo I. Ramirez
/s/ PRIMITIVO I. RAMIREZ, 1st Lt., JAGD

A CERTIFIED TRUE COPY:

U. S. A. vs MASAHARU HOMMA
Prosecution
Defense
Evaluated
Exhibit 340

[redacted]

Q. Do you know the names of any of the Japanese officers at Cagua or San Fernando?

A. Yes. The officer immediately in charge of us at Cagua was Captain Tanaka.

Q. You didn't know his first name?

A. No, I don't. The man who was mainly responsible for our slight hurt was the interpreter whose name was [redacted]. I repeatedly made requests to the Japanese commander through the interpreter which he failed to pass on. This Tagami was a civilian. He told me that he had lived in the Philippines for the last nine years and was in the lumber business around Baguio. There was also a rumor floating around that he had been in the Japanese intelligence. But about this story originated, I don't know.

Q. Do you know what units these Japanese belonged to?

A. No. They were a company of engineers and consisted of retired or rather reserve classes. Most of the Japanese soldiers were in their late thirties—family men, and, as the whole, they didn't mistreat us. The only trouble we ever had was with one of the staff sergeants who used to get drunk, and he slapped a boy on one occasion. It was a personal matter over the sale of a wrist watch. Aside from that, there was no brutality of any kind from this particular group of Japanese.

[illegible] the biggest thing was just simply the lack of [illegible] and the responsibility of the higher echelon of the Japanese command in a couple of occasions Japanese soldiers came [illegible] to surrender, but nothing ever resulted from those [illegible].

Q. On the completion of this detail you went to Limay[illegible]?

A. Yes. I got there at the crack of dawn [illegible].

Q. And you were there until you came to Manila about the end of [illegible]?

A. Yes.

Q. Were there any changes in [illegible] organization, [illegible] organ?

A. Not that I have personal knowledge of, except the [illegible] as you the more enough troops to replace and [illegible] and [illegible] and and, apparently, [illegible]. I didn't [illegible], but I [illegible] at the time it was going on.

Q. You are referring to Lt. Colonel [illegible] and following [illegible]?

A. Yes. I knew about it at the time it was going on, but I didn't [illegible] and [illegible] didn't want to put it. [illegible] active in left Zambales [illegible] and [illegible] and [illegible], apparently, an [illegible] the guerrillas and [illegible] [illegible] Lt. [illegible] [illegible] [illegible]

Q. Do you know the time that that occurred?

A. I can give you only an approximate date. It was in May or June 1945. There was one other incident at Dairen. The Japanese brought in an American soldier when they had captured. He was kept in the guard house overnight. Some of our men talked to him and he said that he had escaped from a bridge building detail in the area of Mukden. The day after he was brought in, the Japanese took him away and some of the Japanese later informed us that he had been executed.

I understand that another man had escaped from this bridge detail at the same time and that he was also the days caught and been turned in by the Chinese.

Q. You were among the group of 1 Enlisted men that were taken back to Dairen about the end of October 1945?

A. Yes.

Q. Were there any particular cases of mistreatment or offenses committed by the Japs on this trip that you could give us any information about?

A. No, except the conditions on the ship of inadequate space, lack of air and so forth. Undoubtedly, this was the cause of the death of two American who died on the boat trip.

Q. Do you know the names of any of the Japs at Colombo who were responsible for any of the things that went on at the camp?

A. I can't remember, for the moment, the camp commander's name.

Q. Was it Colonel Hori?

A. Yes. That's it.

Q. You were at Dairen from about the 1st of November until you left for Lanang about the 1st of March 1946?

A. Yes.

Q. Were there any incidents of mistreatment or any killings that you knew of at Dairen?

A. The only killing at Dairen that I know of was the incident where a Medical Corps man was guarding the barbed wire enclosure digging ramparts and was shot by the sergeant.

Q. That was Sergeant Sulver?

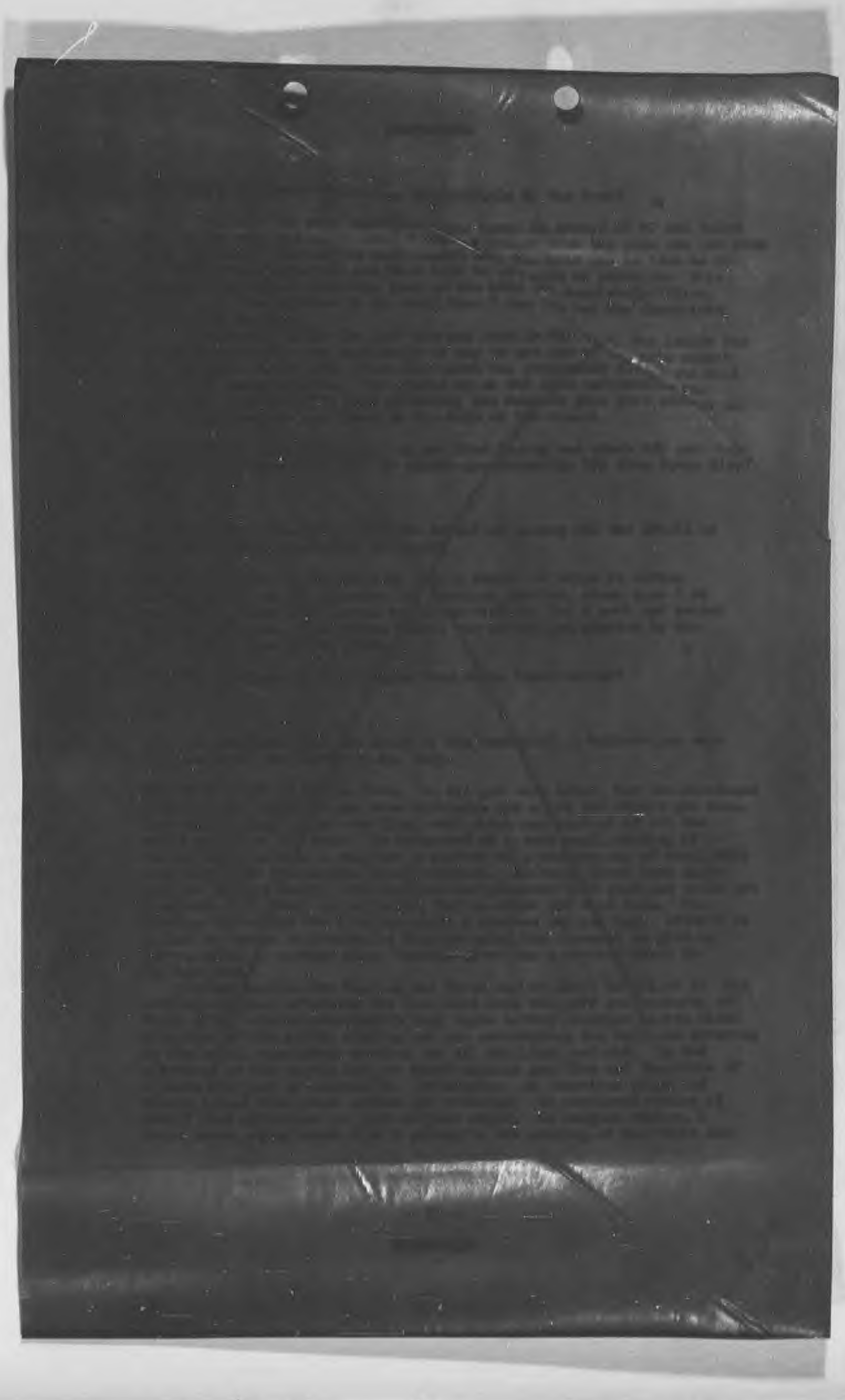
A. Yes.

Q. Do you happen to know the name of the guard responsible?

A. No, I don't.

Q. Do you know any names of men being beaten that you know the names of, or the names of the persons who can give it?

Approved



399

RESTRICTED

STATEMENT

Shanghai, China
30 October 1945

HSU TIEN HSUN (徐天恂) being first duly affirmed, deposes and says as follows:

That I am a Chinese citizen. That I arrived in Manila, Philippine Islands, in October, 1941. That my occupation in Manila, Philippine Islands, was that of Assistant Manager of the Manila Office of the China Banking Corporation. That the Japanese Army entered the city of Manila on or about January 2, 1942. That on or about January 7 or 8, 1942 I, together with about 30 other Chinese Nationals, was interned in the compound of the Philippine University in Manila. Those I was so interned the following personnel, some I personally knew, of the Chinese Consulate were then interned in the said compound of the Philippine University:

Consul-General Yang Kwang Sung (楊光先)
Vice-Consul Mr. Hsü (徐)
Vice-Consul Mr. S. P. Chu (朱[illegible])

That I was so interned for about 30 days. That during my 30 days internment 5 other members of the Chinese Consulate, whom I personally knew, were brought in and interned in the compound of the Philippine University, Manila. That these 5 members of the Chinese Consulate were:

Mr. Im. (林)
Mr. Iao (姚)
Mr. Shao (邵)
Mr. Ting (丁)
Mr. Feng, son of Dr. C. T. Wang (王正廷)

That in the first week of February, 1942, I was released from internment but volunteered to stay on with the Chinese Nationals to act as interpreter for them. That during the 30 days I was interned at the Philippine University compound the Chinese Consul-General, Yang Kwang Sung (楊光先) was taken by the Japanese to Fort Santiago. That upon his return to the compound he informed me that the Japanese had questioned him about the destruction of some bank notes and was told by them that if the Chinese community would contribute 30,000,000 pesos to the Japanese, that the Chinese Nationals would be released. That it was impossible to raise that amount of money, therefore the matter was dropped. That sometime in the first part of March, 1942, I was released

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AFFIDAVIT

(Name) (Rank) ASN 6931339

after being duly sworn on 29th September, 1945, A.D.

at Yokohama (City) Japan, testified as follows:

Q. Your full name?

A. [illegible]

Q. Have you examined the two photographs and made a duplicate of each [illegible] and have?

A. Yes, I have.

Q. Are these true and correct copies of those same photographs?

A. [illegible]

Q. Do you recognize the persons appearing therein?

A. [illegible]

Q. Are you acquainted with the [illegible]?

A. [illegible]

Q. Will you state the complete address to which your communications may be sent from Yokohama, Japan?

A. [illegible]

Q. Will you state the names and locations of the camps at which you were held as a prisoner of war and the dates you were confined at each camp?

(Japanese) Name of Camp	Location	Dates
A. Omuta Camp Number Fukuoka Prefecture Kyushu	Camp Omuta Kaiga Kaiga Detachment	13 April 42 to 8 Sep 45 10 Sep 43 to 25 June 45 25 June 45 to 1 Oct 45 11 Nov 42 to 23 Aug 45

Q. Do you know, or have you reason to believe, that the Imperial Japanese [illegible] failed to treat prisoners of war with humanity or [illegible] committed atrocities and war crimes against them?

A. Yes.

[illegible]

"Time Is Mine" Ruiz Mad Santos Wedding

CORREGIDOR WAR PRISONERS ARE CONCENTRATED BY TH

MAKE-SHIFT TENTS made up of bedsheets furnish ample shelter for the Yd American prisoners

MGA TOLDANG gawanlan ng mga kubre-kama ang sinlungan ng mga bilanggong digma sa ang tagiwala ng pulong Kanluhan nang dinala

A CLOSE-UP of one of the temporary shelters reveals the prisoners' ambitions.

MAKIKITA ang [illegible]agawa ng mga bhag sa ilang sllungang pinpansamtala.

ANOTHER VIEW of the USAFFE prisoners captured and

ANG MGA BIHAG na kawal ng USAFFE ay kapiplt na

Route Ahead Santos Wedding

Dance to Be

Navy Day Celebra

T-V-T SUPPLEMENT

WAR PRISONERS ARE CONCENTRATED BY THE SEA

...s furnish ample shelter for the Fil-American prisoners concentrated along the ... of May 9.

...kama ang sinilungan ng mga bilanggong digma sa may baybayin ng pulong Korehidor nang umaga noong ika 9 ng May.

...lters reveals the prisoners' activities.

...g sa ilang silungang pangsamantala.

ANOTHER VIEW of the USAFFE prisoners captured and concentrated by the sea.

...岸ニ集ノフレク捕虜ノ狀

ANG MGA BIHAG na kawal ng USAFFE ay napipigil sa may tabing dagat.

U. S. A. ... ARMY HISTORY
PHOTOGRAPH
DATE ...
EXHIBIT No. ...

CORREGIDOR WAR PRISONERS ARE CONCENTRATED BY THE

MAKE-SHIFT TENTS made up of bedsheets furnish ample shelter for the [illegible]

MGA TOLDANG gumamit ng mga kubre-kama ang [illegible]

A CLOSE-UP of one of the temporary shelters reveals the prisoners' activities.

MAKIKITA ang [illegible] ng mga bihag sa [illegible]

ANOTHER VIEW of the [illegible]

ANG MGA BIHAG sa kuwa [illegible]

WAR PRISONERS are employed in the cleaning up of the bomb-torn battlefields.

KINATULONG ang mga bilanggong digma sa paglilinis sa nasirang lunangan.

U.S. SOLDIERS await their turn [illegible]

NAGHIHINTAY ng pagkain [illegible]

EGIDOR WAR PRISONERS ARE CONCENTRATED BY THE SEA

ENTS made up of bedsheets furnish ample shelter for the Fil-American prisoners [illegible] on the morning of May 9.

[illegible]ンテントー群ガ多クノ米比俘虜ニ住居ヲ供ス

gnamitan ng mga kubre-kama ang sinilungan ng mga bilanggong digma sa may baybayin ng pulong Korehidor nang umaga noong ika 9 ng May.

f one of the temporary shelters reveals the prisoners' activities.

[illegible]ノ活動ヲ示ス

g sinagawa ng mga bihag sa ilang silungang pansamantala.

ANOTHER VIEW of the USAFFE prisoners captured and concentrated by the ene.

俘虜ノ集ノ[illegible]ノ景

ANG MGA BIHAG na kawal ng USAFFE ay napipigil sa may tabing dagat.

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爆撃跡ヲ[illegible]ノ俘虜

ang mga bilanggong digma sa paglilinis sa nasirang 'areglan.

U. S. SOLDIERS await their turns at machine. Many members are duly circumcised.

[illegible]ノ順番ヲ待ツ米兵

NAGHIHINTAY ng pagtatalo mga kawal [illegible] may mga tuling na tuli.

E WEATHER

The Tribune

5 Cents

XVIII MANILA, PHILIPPINES, SATURDAY, MAY 16, 1942 NUM

U. S. FACES REAL PERI

Food Stock in Corregidor Amp

AFFE Had ovisions r 6 Months

ortress Full Sun . rious Attack y Japanese Forces

TOKYO, May 15 (Domei)—

ied Victory aims Ridiculed

TOKYO, May 15 (Domei)—

Will Issue "Victory" Postal Stamps

To commemorate the fall of Bataan and Corregidor, the bureau of communications has issued special postage stamps which will be placed on sale beginning May 16, according to a press bulletin issued yesterday by the director of the communications bureau.

The bulletin reads as follows:

"A special issue of postage stamps will be placed on sale at the Manila Dollar Section and stamp windows of the bureau of Communications, beginning May 16, 1942.

"This special issue consists of the regular post-customs postage stamp genre [illegible] woman standing by the side of a carabao carrying a bunch of palay, overprinted 'Corregidor-Bataan, Fall of Bataan and Corregidor, 1942,' but surcharged with 2-centavo postage.

(Continued on page 2)

No Rice Sale Next Monday

In view of the fact that May 16, Monday, has been declared a public holiday, there will be no distribution of rice on that day by the National Rice and Corn Corporation, but instead distribution will be done today and tomorrow, Sunday.

The announcement to this effect by the people, which is under the control of the Imperial Japanese Army, is as follows:

"Monday, May 18th, has been declared a public holiday to celebrate the victory of the Imperial Japanese Forces. There will be no rice distribution on that day but the ration of rice will be arranged as follows:

"Saturday, May 16th. The rice ration of this day will be increased from one gantang to 1½ gantang corresponding to Saturday, Sunday and Monday (May 16, 17 and 18). Those who have bought on this day should not buy rice until Tuesday, May 19th.

"Sunday, May 17th. The rice ration on this day will be increased from one gantang to 1½ gantang corresponding to Sunday, Monday and Tuesday (May 17, 18 and 19). Those who have bought on this day should not buy rice until Wednesday, May 20th.

"After the above dates, the distribution will be carried on under the plan as heretofore."

Cultivation Of Idle Lands Is Ordered

Vargas Issues Order To Intensify Food Production

A national campaign on the cultivation of idle lands to produce food crops has been ordered in executive order No. 40 issued yesterday by Chairman Jorge B. Vargas.

The order reads:

EXECUTIVE ORDER NO. 40 INITIATING A NATIONAL CAMPAIGN FOR THE CULTIVATION OF IDLE LANDS TO PRODUCE FOOD CROPS.

WHEREAS, as a consequence of the present emergency, many farms are abandoned and the country is threatened with food shortage;

WHEREAS, the importation of essential food commodities is problematical under the present circumstances; and

WHEREAS, food crops must be grown to avert hunger and forestall famine throughout the land;

(Continued on page 2)

Draft 70 Agents For Food Drive

For the successful and effective supervision of the national campaign for the production of foods of prime necessity just launched by the Commissioner of Agriculture and Commerce, the Bureau of plant and animal industry has appointed the mobilization of more than 70 of the Bureau's experienced agricultural extension agents for immediate employment in various provinces.

In launching a vigorous and intensive food production campaign, the commissioner of agriculture and commerce has singled out the production of essential foods as the most important activity of the department this year in order to assure the people of sufficient food supply during this critical period.

That the campaign may be most effectively prosecuted at present, the commissioner of agriculture and commerce [illegible] is designated Director Mariano Alcasid of the Bureau of Plant and Animal Industry [illegible]

60 Killed By Earthquake In Ecuador

BUENOS AIRES, May 15 (Domei)—More than 60 persons were killed and many damages was caused last night by a severe earthquake which struck the city of Guayaquil on the coast of Ecuador, according to reports reaching here from Quito.

It was said that several large buildings in the business section have destroyed while power and communications service was disrupted.

Japanese Past Burma Border

LISBON, May 16 (Domei)—Chungking dispatches reaching here said that according to a Chungking spokesman it was disclosed that Japanese troops are now 60 miles west of Paoshan, 200 miles inside Yunnan province from the Burma border.

FROM THE SOUTHERN BANK OF HUPO RIVER, May 16 (Domei)—Japanese army forces which swept across the Yellow River last Tuesday, May 12, routed about 800 troops of the 38th cavalry battalion of Chungking's Central Hopeh Army in a sector about 25 kilometers southwest of Hohsien, according to field dispatches.

FROM AN UNDISCLOSED JAPANESE BASE IN CENTRAL HOPEH, May 15 (Domei)—The cardinal objective of the current large scale military campaign in Central Hopeh is aimed not only at the Chinese Communist forces in that area but in the extirpation of enemy bases of operation and supply which have been encouraging Chinese Communistic activities throughout North China in general, declared a Japanese staff officer connected with the formulation of the current Japanese military offensive.

Asserting that the Japanese offensive was progressing according to plan, the officer expressed confidence that it would not be long before complete peace and order would be established, enabling the inhabitants to contribute wholeheartedly to the poll.

(Continued on page 2)

VARGAS VISITS GENERAL HAYASI

Chairman Jorge B. Vargas of the executive commission, last night called on Major General Yoshio Hayasi, director general of military administration, who is [illegible] to be now [illegible] at his residence. Chairman Vargas was accompanied by Consul [illegible] Kimura.

Admit Dar Of Air Rai In West C

Stimson Justi Frequent Sho —U. S. Ships

WASHINGTON, [illegible]—Secretary of War Stimson told the press today that the [illegible] as enemy blockade have [illegible] in the past [illegible] United States was be[illegible] would ought to mankind real danger" of sur[illegible] making it [illegible] U. S. Navy keep on th[illegible]

BERLIN, May 15 [illegible] Admiring the torpedo[illegible] American transport in [illegible] area [illegible] by a [illegible] marine, the Deutsche [illegible] announced yesterday [illegible] 8,000-ton vessel was sun[illegible] fers it entered the port [illegible] Neal, Canada.

TOKIO, in the meanti[illegible] that the daring attack [illegible] German submarine in [illegible] waters shocked the ent[illegible] Nazi nation.

LISBON, May 16 (D[illegible] The United States Navy [illegible] announced that [illegible] ships had been [illegible]

(Continued on

French Promi To Keep Flee

LISBON, May 16 (D[illegible] The French government [illegible] assured its premier [illegible] States to the effect that [illegible] based at Martinique in [illegible] Indies will not come into [illegible] session of the Axis powers [illegible] reported from Vichy.

At the same time [illegible] Laval rejected the Ja[illegible] demands that all merchant ships [illegible] be turned over to [illegible] of States. Premier Laval [illegible] pointed out that compliance [illegible] this demand would be a [illegible] of the French peace [illegible] Germany in 1940 which [illegible] as that France would [illegible] any shipping available [illegible] enemies of the Axis.

It was reported that [illegible] government wants negotiations for the use of Martinique by U.S. conducted through diplomatic channels instead [illegible] Admiral John [illegible] and French Admiral Georges [illegible] have proposed neutral [illegible] zones.

The Tribune

5 Centavos
4 Pages

MANILA, PHILIPPINES, SATURDAY, MAY 16, 1942 NUMBER 46

345

D. E. L. DE PASAHARU HOMMA
EXHIBIT NO. ...

ACES REAL PERIL

ck in Corregidor Ample

...sue ... Stamps

...morate the fall of Corregidor, the ...munications has is... postage stamps ...e placed on sale ...y 18, according to ...ain issued yester... Director of the com... Bureau. ...n reads as fol...

...issue of postage ...be placed on sale ...y Order Section ...indows of the Bu... Communications, be... 18, 1942. ...ial issue consists ...ular four-centavo ..., green (Filipina ...ing by the side of ...rrying a bunch of ...rinted "Congratu... of Bataan and ...42," but canvesh ...centavo postage ...ntinued on page 4)

...e Sale ...onday

...the fact that May ...as been declared a ..., there will be no ...d rice on that day ...al Rice and Corn ...but instead distri... done today and ...nday. ...cement to this ef... ...eric, which is under ...the Imperial Japa... as follows:

...day 18th, has been ...blic holiday to cele... ...ry of the Imperial ...ces. There will be ...ution on that day ...d of rice will be ar... ...ows:

...May 18th. The rice ...s day will be in... one ganta to 1½ ...onding to Satur... and Monday (May ...). Those who have ...is day should not ...il Tuesday, May ...

...ay 17th. The rice ...s day will be in... one ganta to 1½ ...nding to Sunday, ...Tuesday (May 17. ...Those who have ...day should not ...Wednesday, May ...

...above dates, the ...ll is resumed as ...ta for every two ...

...with the approv... ...erial Department ...

...bilies

Cultivation Of Idle Lands Is Ordered

Vargas Issues Order To Intensify Food Production

A national campaign for the cultivation of idle lands to produce food crops has been ordered in executive order No. 40 issued yesterday by Chairman Jorge B. Vargas of the executive commission.

The order, all idle lands, whether public or private, shall be distributed to people who can cultivate them under government supervision.

The order reads:

EXECUTIVE ORDER NO. 40 INITIATING A NATIONAL CAMPAIGN FOR THE CULTIVATION OF IDLE LANDS TO PRODUCE FOOD CROPS.

WHEREAS, as a consequence of the present emergency, many farms are abandoned and the country is threatened with food shortage;

WHEREAS, the importation of essential food commodities is problematical under the present circumstances; and

WHEREAS, food crops must be grown in order to avert hunger and forestall famine throughout the land;

(Continued on page 3)

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In launching a vigorous and intensive food production campaign, the commissioner of agriculture and commerce has singled out the production of essential foods as the most important activity of the department this year in order to assure the people of sufficient food supply during this critical period.

That the campaign may be more effectively prosecuted and pursued, the commissioner of agriculture and commerce recently designated Director Hilario Silayan of the bureau of agricultural administration as representative of his department to coo...

(Continued on page 4)

60 Killed By Earthquake In Ecuador

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FROM THE SOUTHERN BANK OF HUTO RIVER, May 14 (Domei):—Japanese army forces which swept across the Yellow River last Tuesday, May 12, routed about 500 troops of the 58th cavalry battalion of Chungking's Central Hopeh Army in a sector about 45 kilometers southwest of Hochien, according to field dispatches.

FROM AN UNDISCLOSED JAPANESE BASE IN CENTRAL HOPEH, May 15 (Domei):—The cardinal objective of the current large scale military campaign in Central Hopeh is aimed not only at the Chinese Communist forces in that area but in the extirpation of enemy bases of operation and supply which have been encouraging Chinese Communist activities throughout North China in general, declared a Japanese staff officer connected with the formulation of the current Japanese military offensive.

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Admit Danger Of Air Raids In West Coast

Stimson Justifies Frequent Blackouts —U. S. Ships Sunk

BUENOS AIRES, May 14 (Domei).—Secretary of War Henry L. Stimson told the press correspondents today that the reason why so many blackouts have been held recently in the west coast of the United States was because the west coast is menaced with "a real danger" of aerial attack making it inevitable that the U. S. Navy keep on the alert.

BERLIN, May 13 (Domei).—Admitting the torpedoing of an American transport in St. Lawrence river by a German submarine, the Canadian government announced yesterday that the 6,000-ton vessel was sunk just before it entered the port of Montreal, Canada.

DNB, in the meantime said that the daring attack by the German submarine in the inland waters shocked the entire American nation.

LISBON, May 14 (Domei).—The United States navy department announced that two more ships had been torpedoed and

(Continued on page 2)

French Promise To Keep Fleet

LISBON, May 14 (Domei):—The French government has renewed its promise to the United States to the effect that warships based at Martinique in the West Indies will not come into the possession of the Axis powers, it was reported from Vichy.

At the same time, Premier Laval rejected the American demands that oil tankers and other merchant ships tied up at Martinique be turned over to the United States. Premier Laval's note pointed out that compliance with this demand would be a violation of the French peace treaty with Germany in 1940 which stipulated that France would not make any shipping available to the enemies of the Axis.

It was reported that the Vichy government wants negotiations for the use of Martinique by the U.S. conducted through normal diplomatic channels instead of by American Admiral John Hoover and French Admiral Georges Robert, governor general of Martinique.

PHILIPPINE RED CROSS
Office: 500 Isaac Peral

S. PACES REAL PERIL

od Stock in Corregidor Ample

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...ell Due ... Attack ...ese Forces

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"A special issue of postage stamps will be placed on sale on the Money Order Section and stamp windows of the Bureau of Communications, beginning May 15, 1942.

"This special issue consists of the regular low-values postage stamps, green (Filipina woman standing by the side of a carabao carrying a bunch of palay), overprinted 'Corregidor' between 'Fall of Bataan and Corregidor, 1942' but reserved at half Lowdown postage.

(Continued on page 3)

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"After the above dates, the distribution will be resumed as usual, one ganta for every two days.

"This order is with the approval of the Industrial Department of the Commission."

...a for Needy Families ...t Welfare Office

...in the form of discarded clothing, used shoes ... pots, pillow cases, sheets and mats from ... offices and private firms and individuals ... at the bureau of public welfare daily in the ...ign of the government to help indigent families ... war.

...department, bureau of reli... public affairs, bureau of ports, ...ndigo and economic affairs, ... rolls of post laundry and pu... Home Library.

...many educational firms have also contributed to the campaign.

(Continued on page 4)

Cultivation Of Idle Lands Is Ordered

Vargas Issues Order To Intensify Food Production

A national campaign for the cultivation of idle lands to produce food crops has been ordered in executive order No. 46 issued yesterday by Chairman Jorge B. Vargas of the executive commission.

The order says all idle lands, whether public or private, shall be distributed to people who can cultivate them under government supervision.

The order reads:

EXECUTIVE ORDER NO. 46 INSTITUTING A NATIONAL CAMPAIGN FOR THE CULTIVATION OF IDLE LANDS TO PRODUCE FOOD CROPS.

WHEREAS, as a consequence of the present emergency, many farms are abandoned and the country is threatened with food shortage;

WHEREAS, the importation of essential food commodities is problematical under the present circumstances; and

WHEREAS, food crops must be grown in order to avert hunger and forestall famine throughout the land;

...

Draft 70 Agents For Food Drive

For the successful and effective collection of the national campaign for the production of foods of prime necessity just launched by the Commissioner of Agriculture and Commerce, the Bureau of plant and animal industry has announced the mobilization of more than 70 of the bureau's experienced agricultural extension agents for temporary assignment in various provinces.

In launching a vigorous and intensive food production campaign, the commissioner of agriculture and commerce has singled out the production of essential foods as the most important activity of the department this year in order to assure the people of sufficient food supply during this critical period.

That the campaign may be more effectively prosecuted and pursued, the commissioner of agriculture and commerce has ... by designated Director Mariano ... Arayan of the bureau of agricultural administration as representative of his department to coo...

(Continued on page 3)

VICTORY PRELUDE TO BIG OFFENSIVE

TOKYO, May 15 (Domei)—...ghai Shimpo said in an article today that the thorough pacification of Chekiang must be taken as a prelude to the gigantic offensive which is forthcoming along the entire front.

"If such were five days for the German forces to capture Kerch, which is ... Sevastopol, three days ... Singapore, and seven days ... all the major cities of Chekiang province will have been occupied," the paper stated. "The only waiting for victory now is for ... pacification work to be carried out."

60 Killed By Earthquake In Ecuador

BUENOS AIRES, May 14 (Domei)—More than 60 persons were killed and many buildings ruined almost last night by a severe earthquake which struck the city of Guayaquil on the coast of Ecuador, according to reports reaching here from Quito.

It was said that several large buildings in the business section there were destroyed while power and communications service was disrupted.

Japanese Past Burma Border

LISBON, May 14 (Domei)—Chungking dispatches reaching here said that according to a Chungking spokesman in the district [illegible] Japanese troops are now 60 miles east of Paunkan, 200 miles inside Yunnan province from the Burma border.

FROM THE SOUTHERN BANK OF HUTO RIVER, May 14 (Domei)—Japanese army forces which swept across the Yellow River last Tuesday, May 12, routed about 600 troops of the 34th cavalry battalion of Chungking's Central Epoch Army in a sweep along the eastern southwest of Hsihsien, according to field dispatches.

Asserting that the Japanese offensive was progressing according to plan, the officer expressed confidence that it would not be long before complete peace and order would be established, enabling the inhabitants to contribute wholeheartedly to the poll.

(Continued on page 8)

VARGAS VISITS GENERAL HAYASI

Chairman Jorge B. Vargas of the executive commission, last night called on Major General Yoshida Hayasi, director general of military administration, who was confined to his sick bed at his residence. Chairman Vargas was accompanied by Consul Eiichi Kihara.

Admit Danger Of Air Raids In West Coast

Stimson Justifies Frequent Blackouts —U. S. Ships Sunk

BUENOS AIRES, May 14 (Domei)—Secretary of War Henry L. Stimson told the press correspondents today that the reason why so many blackouts have been held recently in the west coast of the United States was because the west coast is confronted with "a real danger" of aerial attack, adding it inevitable that the U. S. Navy keep on the alert.

BERLIN, May 14 (Domei)—Admitting the torpedoing of an American transport in St. Lawrence river by a German submarine, the Canadian government subsequent yesterday that the 5,000-ton vessel was very near before it entered the port of Montreal, Canada.

DNB, in the meantime said that the daring attack by the German submarine in the inland waters shocked the entire American nation.

LISBON, May 14 (Domei)—The United States navy department announced that two more ships had been torpedoed and

(Continued on page 8)

French Promise To Keep Fleet

LISBON, May 14 (Domei)—The French government has renewed its promise to the United States to the effect that warships based at Martinique in the West Indies will not come into the possession of the Axis powers, it was reported from Vichy.

At the same time, Premier Laval rejected the American demands that all sailing and other merchant ships that up at Martinique be turned over to the United States. Premier Laval's note pointed out that compliance with this demand would be a violation of the French peace treaty with Germany in that which stipulated that France would not make any shipping available to the enemies of the Axis.

It was reported that the Vichy government wants negotiations for the use of Martinique by the U.S. conducted through normal diplomatic channels instead of by American Admiral John Hoover and French Admiral Georges Robert, governor general of Martinique.

PHILIPPINE RED CROSS
Office: 500 Isaac Peral
T-J—5.76.61

The PHILIPPINE RED CROSS is in urgent need of bed pans (orinolas chatas), quinine and other anti-malaria drugs, as well as medicines for dysentery, which diseases are causing large casualties among people in the areas affected by the war. The PHILIPPINE RED CROSS appeals to the public to heed this notice, sending the articles above-mentioned to our office where the corresponding receipt will be issued for [illegible] received. [illegible] to respond to this call for the relief and consolation of [illegible] in distress.

...PLUS REAL TIME

...od Stock in Corregidor Ample

...E Had ...ons ...Months

...ll Due ...Attack ...ese Ferries

...ictory ...diculed

Will Issue "Victory" Postal Stamps

To commemorate the fall of Bataan and Corregidor, the bureau of communications has issued special postage stamps which will be placed on sale beginning May 15, according to a press release issued yesterday by the director of the communications bureau.

The bulletin reads as follows:

"A special issue of pictorial postage will be placed on sale at the Manila Central Station and other stations of the bureau of Communications, beginning May 15, 1942.

"This special issue consists of the regular (ordinary) postage stamps, three (3) values bearing in the side of a circular overlay a bundle of palay, surmounted 'Corregidor, Bataan, Fall of Bataan and Corregidor, 1942,' but exclusive of the Executive postage

(Continued on page 3)

No Rice Sale Next Monday

In view of the fact that May 15, Monday, has been declared a public holiday, there will be no distribution of rice on that day by the National Rice and Corn Corporation, but instead rice issues will be done today and tomorrow, Sunday.

The announcement to this effect was made yesterday by the corporation, which also announced that the sale of rice on May 16, Tuesday, will be limited to persons whose names begin with the letters A to L, inclusive.

Cultivation Of Idle Lands Is Ordered

Vargas Issues Order To Intensify Food Production

A national campaign for the cultivation of idle lands to produce food crops has been ordered in response to order No. 26 issued yesterday by Chairman Jorge B. Vargas of the executive commission.

He directs all idle lands, whether public or private shall be distributed to people who can cultivate them under government supervision.

The order reads:

"EXECUTIVE ORDER NO. 26 INITIATING A NATIONAL CAMPAIGN FOR THE CULTIVATION OF IDLE LANDS TO PRODUCE FOOD CROPS.

"WHEREAS, as a consequence of the present emergency, many farms are abandoned and the country is threatened with food shortage;

"WHEREAS, the importation of essential food commodities is problematical under the present circumstances; and

"WHEREAS, food crops must be grown in order to avert hunger and forestall famine throughout the land;

(Continued on page 3)

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In launching a vigorous and intensive food production campaign, the commissioner of agriculture and commerce has singled out the production of essential foods as the most important activity of the department this year in order to assure the people of sufficient food supply during this critical period.

That the campaign may be more effectively promulgated and pursued, the superintendents of agriculture and commerce recently designated Director Mariano Belayen of the bureau of agricultural extension as technical adviser of his department to assist

(Continued on page 3)

...for Needy Families ...t Welfare Office

...the form of discarded clothing, used boots, ... pillow cases, sheets and ... cloth ..., various and private firms and individuals ... of the means of public service duty in the ... of the government in ... helping hand ... war.

... government ... donations ... and ... of public ... and ... will of good citizenry and patriotic spirit.

... appreciated items ... the assignment is the ...

(Continued on page 3)

60 Killed By Earthquake In Ecuador

QUITO, Ecuador, May 14 (Monday)—More than 60 persons were killed and heavy damage was caused last night by a severe earthquake which struck the city of Guayaquil on the coast of Ecuador, according to reports reaching here from Quito.

It was said that several large buildings in the business section were destroyed while power and communications service was disrupted.

Japanese Past Burma Border

LISBON, May 14 (Domei)—Chungking dispatches received here said that according to a Chungking spokesman it was disclosed [illegible] some troops are now 60 miles west of Paunkan, 200 miles inside Yunnan province from the Burma border.

FROM THE SOUTHERN BANK OF SUTO RIVER, May 14 (Domei)—Japanese army forces which swept across the Yellow River last Tuesday, May 12, routed about 600 troops of the 34th cavalry battalion of Chungking's Central Hunan Army in a sector about 60 kilometers southwest of Hofchen, according to field dispatches.

FROM AN "UNDISCLOSED JAPANESE BASE IN CENTRAL HOPEH, May 14 (Domei)—The [illegible] objective of the current large scale military campaign in Central Hopeh is aimed not only at the Chinese Communist forces in that area but in the extirpation of enemy bases of operation and supply which have been encouraging Chinese Communist activities throughout North China in general, declared a Japanese staff officer connected with the formulation of the current Japanese military offensive.

Asserting that the Japanese offensive was progressing according to plan, the officer expressed confidence that it would not be very before complete peace and order would be established, enabling the inhabitants to contribute wholeheartedly to the poli...

(Continued on page 3)

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At the same time, Premier Laval rejected the generous demands that all raiders and other merchant ships lied up at Martinique be turned over to the United States. Premier Laval's note pointed out that compliance with this demand would be a violation of the French peace treaty with Germany in 1940 which stipulated that France would not make any shipping available to the enemies of the Axis.

It was reported that the Vichy governmental wants negotiations for the use of Martinique by the U. S. conducted through normal diplomatic channels instead of by American Admiral John Hoover and French Admiral Georges Robert, governor general of Martinique.

PHILIPPINE RED CROSS
Office: 600 Isaac Peral
Tel— 5-70-71

The PHILIPPINE RED CROSS is in urgent need of bed pans (orinoles chatas), quinine and other anti-malaria drugs, as well as medicines for dysentery, which diseases are causing large casualties among people in the areas affected by the war. The PHILIPPINE RED CROSS appeals to the public to heed this notice, sending the articles above-mentioned to our office where the corresponding receipt will be issued for [illegible] receipt. [illegible] to respond to this call for the relief and [illegible]

USAFFE TROOPS TAKEN WAR PRISONERS IN CORREGIDOR MARCH THRU MANILA STREETS

CORREGIDOR defenders on Manila's Quezon Bridge for first time in five months. On May 23, they were marched from Fort Area to Bilibid Prison, then returned to their camps

THESE are American captives marching under guard of mounted Japanese soldiers through Quezon Boulevard. Bulk ies of therefore are shown crowded with Manilans.

SEVERAL U. S. Army officers captured in Corregidor did not walk the distance covered by enlisted men. They got a lift in Japanese Army trucks, as in the one shown above.

CORREGIDOR defenders on Manila's Quezon Bridge for first time in ten months. On May 25, they were marched from Port Area to Bilibid Prison, then entrained to their camps.

THESE are American captives marching under guard of mounted Japanese soldiers through Quezon Boulevard. Both sides of thoroughfare are shown crowded with Manilans.

SEVERAL U. S. Army officers captured in Corregidor did not walk the distance covered by enlisted men. They got a lift in Japanese Army trucks, as in the one shown above.

PRISONERS prepared their own food at Bilibid Prison, where they stayed for only a day. No cooks had as yet been assigned, so the rule was "everyone for himself."

[redacted]

[redacted]

[redacted]

[redacted]

for the Defense of [redacted]

Subject: Personal Interrogation of [redacted]

Naval Station at [redacted]

[redacted]

Q. [redacted]

A. [redacted]

Q. [redacted]

A. [redacted]

Q. [redacted]

A. [

[redacted]

[redacted]

[redacted]

wasn't much of him at all left when we got there. I heard on the day that Col. [illegible] and that the medical officers had said he died of heat exhaustion brought on by the long march from there to the prison the day before, and that the Col.'s age had prevented his standing the march as well as the younger men. I was told this by one of the medical officers, whose name I can't remember and he also told me that Col. Hopper was a pretty old man; but that the lack of medical supplies and proper equipment had made it impossible to do much for the Col. By the way, I don't know the names of any of our Jap guards on the march or any of the Japanese at the prison.

Q. Do you know any particulars concerning the burial of Col. Hopper?
A. No, sir, I left there the next day.

Q. While in Corregidor go ahead, I was interested to learning about the Japs.
A. I guess it must have been the 10th of May, 1942, when a bunch of us were loaded into a lot of small box cars. We started in 100 to 150 men per car, so that you barely had room to stand, and sure couldn't sit or lie down. This was about six in the morning and about three that afternoon we arrived at Cabanatuan. We were unloaded and made to march about 20 kilometers out to Camp #3. A lot of the fellows, were getting pretty weak and weren't up to the march. Quite a few passed out on the way and those of them would fall in the road and a few kicks from the Jap guards couldn't get him going again, they would walk his pal sitting along side of the road where they dragged him give a little -like flag. After we arrived at Camp #3 I saw some of them were being brought in on Jap trucks.

Q. Do you know the names of any of the Japanese guards or officers responsible for crowding you into the small box cars or supervising the 20 kilometer march?
A. No.

Q. That is all Corporal, with the exception that I would like to ask you if you know the names of any of the American Medical officers who treated Col. Hopper for heat prostration prior to his death?
A. No sir, I'm sorry I don't.

Q. I believe that's it.

* * * *

/s/ James Cannon Turner
/t/ James Cannon Turner, Corporal, ASN 14054-2500

STATE OF LOUISIANA)
) ss
EAST FELICIANA PARISH)

I, James Cannon Turner, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of four and one third pages, and all corrections contained therein, are true to the best of my knowledge and belief.

/s/ James Cannon Turner
/t/ James Cannon Turner, Corporal, ASN 14054-2500

Sworn to and subscribed before me this 7th day of May, 1945.

/s/ [illegible]
Notary Public in and for East Feliciana Parish, Louisiana.

My Commission Expires on- my death.

* * *

[redacted]

[redacted]

[redacted]

SECRET

CERTIFICATE

I, [illegible], Lieut., Security Intelligence Corps, North African Theater, certify that on 3 Dec 1945 personnel of subject Detachment, Counter Intelligence Corps, [illegible] Detachment, Counter Intelligence Corps, [illegible] Detachment, Counter Intelligence Corps, [illegible]

[redacted]

[redacted]

[redacted]

SECRET

CERTIFICATE

I, [illegible], Special Investigator, Army, Office Inspector General, certify that on 3 May 1945 personally appeared before me Jesse Oscar Thomas, Colonel, [illegible], who, after being duly sworn to the several questions set forth, stated that the foregoing answers to the several questions set forth, that after the last name, consisting of five and one third pages, had been corrected by me with pencil changes drawn from the area and affixed his signature thereto as of reference.

Subscribed and sworn to before me, this 3rd day of May 1945.

/s/ Charles L. [illegible]
/t/ Chas. L. [illegible], Special Investigator, Army.

CERTIFICATE

I, Colonel L. L. Bergwell, Army, Security Intelligence Officer, Office Inspector General, certify that on 3 May 1945 personally appeared before me Jesse Oscar Thomas, Colonel, [illegible], who, after being duly sworn to the several questions set forth, that after the last name, consisting of five and one third pages had been corrected by me with Jesse Oscar Thomas and the area and affixed his signature thereto as of reference.

Subscribed and sworn to before me this [illegible] day of May 1945.

/s/ Lloyd L. Bergwell
Lloyd L. Bergwell, Colonel, [illegible]
Army.

U. S. A. vs. [illegible]
Prosecution
Exhibit [illegible]
Received [illegible]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

CONFIDENTIAL

Q. What were your drinking facilities?

A. The only drinking water we had came from two wells which were sunk about fifteen feet directly below where the defecating and urinating took place. The water level in the wells was below sea level, consequently the water tasted salty. It was putrid to say the least.

Q. What shelter did you have?

A. The Japanese provided us with no shelter. There was a small building near the area but it was not used. It would have been too small anyway. We constructed make-shift shelters from shelter-halfs, rain coats and sticks. This was done in order to keep off the blazing sun. Most of the prisoners tried to rig up some shelter. The temperature must have been about 120° and around noontime it was practically unbearable. I have never in my life seen so many flies in one place. The stench from the body waste was awful. Due to the cliffs around the prison area there was practically no air. Although the rough horseshoe formed by the cliffs opened on the beach, the air failed to penetrate from the bay across the 400 feet of prison enclosure because of the absence of any outlet at the opposite end.

Q. How about sleeping accomodations?

A. It was almost impossible to rest at night. I remember that I could not turn over without disturbing the person next to me. There were six in our particular group, four of us were right side by side and two were lying up against my feet.

Q. Can you identify any of the Japanese guards or officers who were responsible for the conditions?

A. No, I cannot.

/s/ Thomas Monroe Johnson, Sgt.
Thomas Monroe Johnson, Sgt.

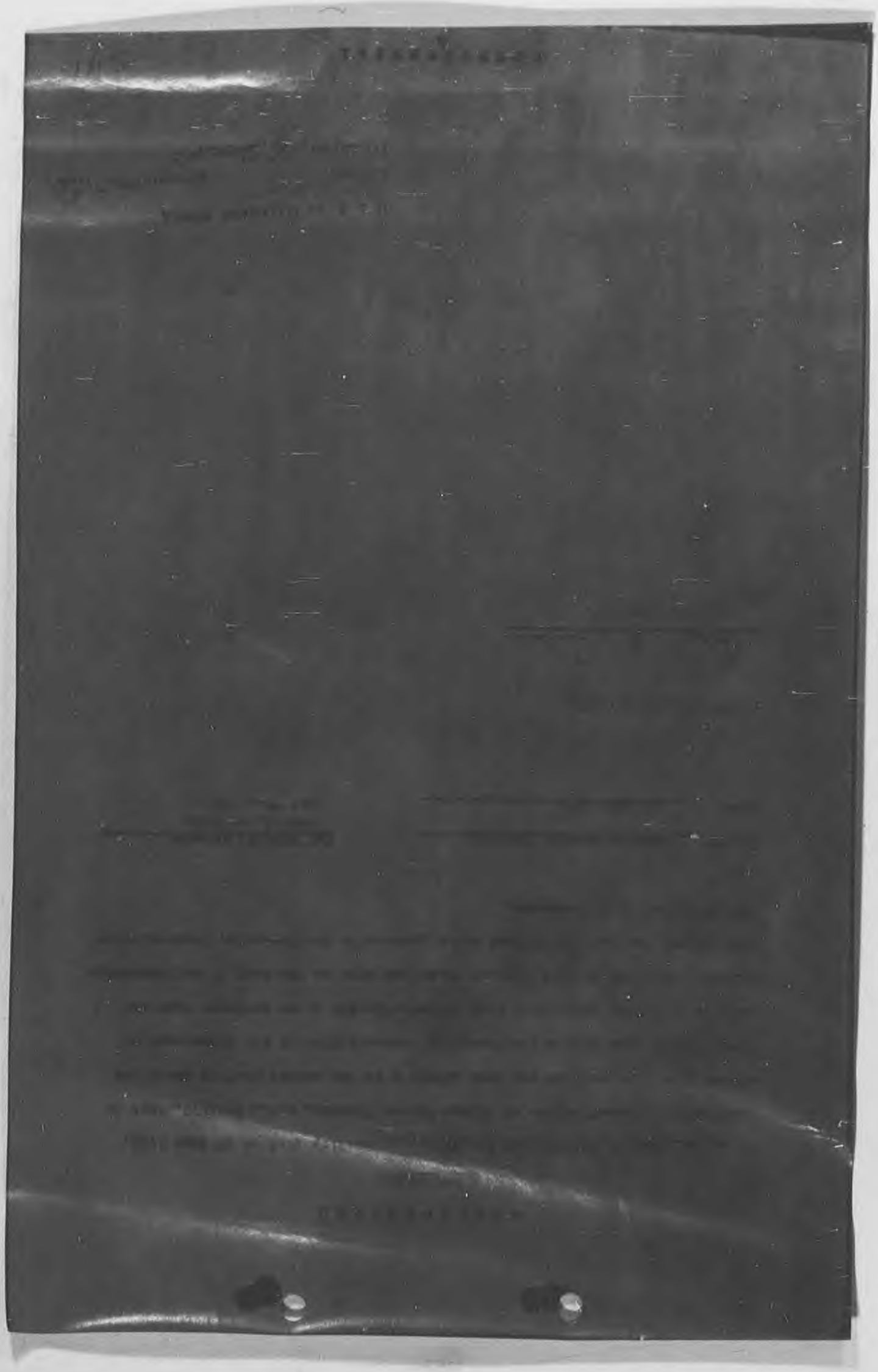
State of: Georgia
SS
County of: Floyd

I, Thomas Monroe Johnson, of lawful age, being duly sworn on oath, state that my eyesight is presently affected to the extent that I am unable to read, that the foregoing transcription of my interrogation and this affidavit have been read to me by John F. Stresau, 1st Lt., MAC, that all the answers contained in said transcription are true to the best of my knowledge and belief, and that such interrogation was conducted by Daniel J. Jarwot, SA, SIC, Tulsa Service Command, at McGuire General Hospital, Richmond, Virginia, on 2 June 1945.

/s/ Thomas Monroe Johnson, Sgt.
Thomas Monroe Johnson, Sgt.

Sworn to and subscribed before me this 18th day of June 1945.

/s/ John F. Stresau
John F. Stresau
1st Lt. MAC
Summary Court Officer



[redacted]

on 8 June 1942 was held as political prisoner, inside the night of 8 June 1942 and was transferred by train from political prison to Outreham, Philippine Islands on 9 June 1942. I was held at camp #1, Outreham from 9 June 1942 until 30 January 1945 at which time I was liberated by the American Army.

Q. Have you at any time known of Japanese soldiers while you were held prisoners of war by the Japanese?

A. Yes. While I was held as corrupidor, Philippine Islands, I witness a beating by a Japanese officer.

Q. State what you know of your own knowledge about such incidents.

A. On 9 Jan 1942 along with other prisoners of war, I was forced to work on a small airfield located on Corrupidor. We worked all day on this field, starting at daylight and working until evening. Our work consisted of placing coconuts, filling up holes, carrying dirt and leveling the field. During this day while I was working, I was seeing a supervisor. At this time a Japanese officer came up to me. He looked at me and left. He walked and located me down with his flag. He hit me on the side of the head. Immediately after I was knocked down, I got up and started to work again. I then observed him walking along beating other Filipino prisoners. I observed him knocking down two other prisoners besides myself.

Q. Why did he knock down the other prisoners?

A. I do not know.

Q. Did you receive any permanent injuries from this beating?

A. I did not.

Q. Will you name or describe this Japanese officer?

A. He was about 25 or 30 years of age, 5' 7" tall, about 150 pounds in weight, very clean, and was clean shaven. He had a very dark complexion and was very soldierly looking. He wore boots and also the regular prewar Japanese uniform. He wore a pistol belt and was very well dressed. He was not too large.

Q. To what organization was this officer serving in Corrupidor?

A. I do not know however, I do recall that on the evening this incident occurred this same officer informed all of us prisoners that if we tried to escape, we would be killed.

Q. Can you give the names of any other prisoners who observed this incident?

A. I cannot.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No. 857
RECEIVED 16 OCT. 46

[redacted]

244

[redacted]

[redacted]

[redacted]

[redacted]

In the matter of the hearing of an application for writ of habeas corpus on behalf of [redacted], petitioner, [redacted] being duly sworn as interpreter, testified as follows:

[redacted] testified on behalf of himself as follows:

DIRECT EXAMINATION

BY [redacted]:

Q Please state your name, rank, serial number and permanent home address?

A [redacted], Chief Petty Officer, United States Navy, [redacted], now stationed, Tacoma, Washington.

Q Are you an American citizen?

A Yes.

Q Have you recently been returned to the United States from overseas?

A Yes, I returned on 16 March 1943.

Q Were you a prisoner of war?

A Yes, I was a prisoner of Japan.

Q At what places were you held and about the approximate dates?

A I was captured by the Japanese Army on 7 May 1942 on Corregidor,

[redacted]

[redacted]

[redacted]

[redacted]

Washington Columbia. I was held in Covington until 3 June 1943 at which time I was taken by boat to Fort T, Seattle. I was escorted through the streets of Seattle on 3 June 1943 by one MP Sergeant, Seattle the night of 3 June 1943 and was transferred by truck from Seattle Ferry to Lordsburg, Seattle also Indiana on 7 June 1943. I was held at Camp #1, Lordsburg from 3 June 1943 until 30 January 1945 at which time I was transferred by the Australian Army.

Q Did you witness any atrocities or mistreatment of American civilians at any time?

A Yes. I witnessed the killing of an American prisoner at war by Japanese guards at Lordsburg, Washington Island 4.

Q State what you know of your own knowledge about that incident.

A During the latter part of May 1943 about 3 and 4:30 together with 2,000 or 3,000 other Americans and Filipino prisoners of war in the old barbed wire at Fort Lordsburg, Lordsburg, I observed an incident of an unarmed prisoner by Japanese guards. The incident occurred just after morning roll call. I did not see this prisoner until after he was beaten down by one of the guards. I saw prisoner hold up this a Japanese guard had struck him/on the left side of his jaw. When I first saw this prisoner, Japanese guards were standing him all over the body with rifle butts. This lasted for several minutes. After prisoner collapsed unconscious he was unable to get up by himself. Several guards up by prisoner function prisoners and placed in a nearby shed.

Q Do you know whether this American prisoner suffered any/was he punished from this treatment?

A I observed that this prisoner was given medical attention by one was taken after the beating; however, I do not know how much. I never saw him again after the incident mentioned and do not know his condition the injuries were.

Q Was this prisoner given any medical attention by the Japanese?

A No. None of the prisoners were ever given any medical attention by the Japanese.

Q Will you describe this prisoner who was beaten

A All I can recall is that he was of large build and probably in his early 30s. He was an old shabby shirt and pants at the end of the beating. I would never recognize him if I saw him again. I do not know what organization he belonged to and could not identify him in any way. I have no witnesses who could identify him.

Q Can you name or describe the Japanese guards who beat him

RESTRICTED

primary
A I cannot.

Q Can you name or describe any of the Japanese officers who had charge of you prisoners on Corregidor?
A No. The only Japanese officer I can recall to the top who may be in charge of taking the muster roll. I do not know his name nor can describe him. All I remember is that he wore a General sword.

Q Is there any further information you have concerning this incident?
A No. I have stated all I can recall about it.

/s/ Ralph Tyree Fox
/s/ Ralph Tyree Fox

State of: Missouri }
County of: Livingston } ss

I, Ralph Tyree Fox, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and, all answers contained therein are true to the best of my knowledge and belief.

/s/ Ralph Tyree Fox
/s/ Ralph Tyree Fox

Subscribed and sworn to before me this 26th day of September 1945.

/s/ Donald L. Chrysler
/s/ Donald L. Chrysler, Capt., Inf.
O-[illegible]
Asst Dist Int-el Off, TD, No.
Ryukyus Command

CERTIFICATE

I, Donald L. Chrysler, Special Agent CIC, certify that on 6 September 1945, personally appeared before me Ralph Tyree Fox, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Ralph Tyree Fox read the same and affixed his signature thereto.

Place: Yokohama, Honshu

/s/ Donald L. Chrysler
/s/ Donald L. Chrysler, Special Agent
CIC

Date: 26 September 1945

A CERTIFIED TRUE COPY:

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 352.
RECEIVED 16.10.46

247

RESTRICTED

[redacted]

[redacted]

[redacted]

[redacted]

357

RESTRICTED

[redacted]

Q [redacted]

A [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

/s/ [redacted]
/s/ [redacted]
[redacted] Cmdr USNR.

[redacted]

[redacted]

RESTRICTED

STATE OF TEXAS)
COUNTY OF EL PASO) ss

I, Fred William Matthews, of lawful age being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Fred William Matthews
/s/ Fred William Matthews, Jr., 6,000,000
Enlisted Reserve (AUS).

Subscribed and sworn to before me this 8 th day of May 1945.

/s/ J. A. Harmon
/s/ J. A. Harmon
Notary Public in and for El Paso County,
Texas.

My commission expires 1 June 1945.

CERTIFICATE

I, John F. Hunter, Agent, Security Intelligence Corps, Eighth Service Command, certify that on 8 May 1945, personally appeared before me Fred William Matthews, Serial No. 36872[illegible], and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed he said Fred William Matthews read the same and affixed his signature thereto in my presence.

/s/ John F. Hunter
/s/ John F. Hunter
Agent, Security Intelligence Corps,
Eighth Service Command

Place: El Paso, Texas

Date: 8 May 1945

A CERTIFIED TRUE COPY

/s/ John F. Hunter
/ Capt JAGD

U. S. A. VS MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 354
RECEIVED 16 Jan 46

RESTRICTED

[redacted]

[redacted]

[redacted]

In the matter of determination of [redacted] by agents of the Federal Government at a site [redacted] Covington at 828 East 3d, Tongaloo, Mississippi, on or about May 27, 1947, to on or about May 30, 1948.

Transportation of testimony of Paul Clinton Jackson, T/Sgt, AGD 6078138

[redacted]

Testimony of: Lieutenant General Brehon B. Somervell, Washington, District of Columbia

Date: 28 June 1948 in the presence of Carlos E. Hayes, Agent CID, Denver, Colorado

Interviewed by: Carlos E. Hayes, Agent CID, Denver, Colorado.

Q. State your name, permanent home address, occupation, and citizenship.

A. My name is Paul Clinton Jackson and my permanent home address is 701 Tenth Street, Newport News, Virginia. I am presently a member of the U. S. Army holding the rank of T/Sgt and assigned AGD 6078138. I have been a member of the U. S. Army since April 1938 continuously on duty and have been primarily engaged in clerical and administrative duties in that Army. I am a citizen of the United States of America by reason of birth at Rhodhiss, North Carolina, February 16, 1918.

Q. Have you recently returned to the United States from overseas, and, if so, how recently?

A. March 10, 1946, I arrived at San Francisco from the Philippine Islands where I had been liberated from imprisonment as a prisoner of war of the Japanese.

Q. You have stated that you were a prisoner of the Japanese at the Philippine Islands. State the dates and places of your confinement.

A. On May 6, 1942, as a member of the 59th Coast Artillery Regiment, U. S. Army, while stationed on Corregidor, Luzon, fighting the Japanese, I surrendered to the Japanese. Thereafter in the company of other prisoners I was kept a prisoner on Corregidor until on or about May 30, 1942, when I was transported to Prisoner of War Camp #1 near Bataan, Luzon, arriving there on or about May 31, 1942. I was continuously a prisoner of war of the Japanese at such installations from such date until October 21, 1942. From October 21, 1942, until August 17, 1944, I was continuously a prisoner of the Japanese at Camp #1 Cabanatuan, Luzon. From August 17, 1944, until February 4, 1945, when I was liberated I was continuously a prisoner of the Japanese at Bilibid Prison Camp near Manila.

SECRET

...ing a contact. If the man interrogated showed any signs of cooperation was a good candidate against who operational intelligence. If not, a check ...ould be put on him himself or his friends.

...ou ever have any further contact on this trip from Corregidor to ...ma?

...

...Can you recall the names of any of your fellow prisoners on this ...ard?

...

/s/ Paul S. Barrow
/s/ Paul Barrow, 2/Lt.

SECRET

[redacted]

with a partner. If you see [redacted] signs of [redacted] to the nearest [redacted] and proceed [redacted]. If not, a truck [redacted] can be [redacted] on the truck.

2. [redacted] you have any further [redacted] on this trip from [redacted] to [redacted]?

A. No.

3. Can you recall the names of any of your fellow prisoners on this trip?

A. No.

/s/ Paul D. Narron
/s/ Paul Glenton Narron, T/Sgt.

[redacted]

CONFIDENTIAL

[illegible]

Judge Advocate General's Department -- War Department

United States of America

-v-

* * * \

CONFIDENTIAL

Further questions, on get off of Carlos previous. They looked as an Japanese [illegible] and took us as close as enemy. We ended it and fire back at [illegible] destroyed [illegible] Seattle late Britain. We played searchlight at [illegible] one of the engine rooms, and then early in the morning we were [illegible] and looked into small barrels, 150 or 200 of us. They [illegible] and heavy silencers up to Celsius 500. We played searchlight at [illegible] and on the right, earlier, and then early in the morning we were [illegible] and looked into small barrels, 150 or 200 of us. They [illegible] and heavy silencers up to Celsius 500. We played searchlight [illegible] and opened up on the four the next day.

Q. Did that hurt the [illegible] put on the freighters at Portsmouth?

A. I think it was the evening of the 30th or 31st of May, 1943.

Q. How many [illegible] projectiles do you have transported at that time?

A. I would say [illegible] 7000.

Q. About how many were included in a freighter?

A. Well, I have on the Freighter I was on we had over 500, and the others were [illegible] between the other ship.

Q. Will you describe that accommodation you had on the Freighter.

A. There were no accommodations at all. It was like the ships had carried live-stock--you could see evidence of cattle and sheep. We had, I guess into small partitions or sections, supposed to travel about eight, just crowded in, [illegible] I was stayed on deck; I was lucky enough to be on deck. We went down but if you [illegible] down there. I went up on deck. Conditions were awful terrible for sanitary conditions.

Q. Did you personally, you have conditions below decks?

A. Yes. I went down below it was like. I figured I would have to stay below. It was [illegible] I went back on deck.

Q. How many persons would be there between decks?

A. Very few here.

Q. And where was they there?

A. I would say there was eight or ten to a bunk, I am not positive.

Q. And it operates on twenty decks, you mean the distance between each deck?

A. Yes.

Q. Did those there extend from the center of the stern of this ship?

A. Yes.

Q. How many men were from the center to the stern of the ship?

A. I believe six feet, maybe seven.

Q. Did the American personnel of war have to die on those ships?

A. Yes, they did. It was impossible to get off.

CONFIDENTIAL

[redacted]

Q. How many prisoners would be placed on a floor

A. I would say around 12 men rooms would be a partition and 12 cells on the other side.

Q. By partition do you mean an ordinary partition separating the corners of rooms

A. Yes.

Q. How much distance was there between each partition

A. About twelve or fourteen feet between each partition.

Q. In what position did the prisoners lie on bunk floor

A. Five heads face toward the side of the cell and head out. Some would lie head in, but it was five each.

Q. In each portion of the tier, separated by partitions, is provided for it's space approximately old as seven feet by twelve is fourteen feet.

A. Yes.

Q. And each tier was separated by a two tier steel is divided by concrete

A. Yes.

Q. Did each portion of the tier accommodate 12 prisoners each?

A. No. Six men would not be accommodated

Q. Were any of those prisoners treated as punishment

A. No. If they were they were treated very slightly. Most of them were men who had records, but most of them not criminals and hoodlums.

Q. Was there ventilation in the building

A. Yes, there was no protection at all-no ventilation.

Q. What were the sanitary conditions

A. Very poor. There was only one toilet on each side, at least all the prisoners were allowed to use. It was unsanitarily because it was all in there.

Q. There was no drainage in and the toilet emptie to pan in it?

A. Yes.

Q. Was there any other way available for them to relieve themselves

A. By going over the side of the bunk or going in a corner.

Q. Were there any tub but to use the corner

A. They; gave a can but to use the corner.

Q. Was any effort made to improve that situation?

A. Why there was no effort made at all.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Judge Advocate General's Department vs Sgt Ingraham

Habeas Status of Aliens

In the matter of the incarceration of Japanese prisoners of war under Executive Order Commanding, California Authority to Charles, Philippine Islands between 1 June 1942 and 1 June 1945.

Investigation of Incidents at Camp Camp Shelby, Miss. Provost Marshal, Camp Shelby, Miss. Provost Marshal, and others, Tuesday, Plaintiff.

Place of: Tuesday, Plaintiff.

Date: 5 September, 1945.

In the Plaintiff of: Donald L. Ingram, Special Agent CIC, Intelligence Branch, Plaintiff.
Bernard L. Williams, Agent CIC, Intelligence Branch, Plaintiff.

Recorder: Bernard L. Williams, Agent CIC, Intelligence Branch, Plaintiff.

Translator: Donald L. Ingram, Special Agent CIC, Intelligence Branch, Plaintiff.

Q. State your name, rank, serial number and permanent home address?

A. Ralph Simon Ing, Chief Petty Officer, United States Navy, No. Prefect, San Antonio, Texas, Plaintiff.

Q. Are you an American citizen?

A. Yes.

Q. Have you recently been returned to the United States from overseas?

A. Yes, I returned on 16 March 1945.

Q. Were you a prisoner of war?

A. Yes, I was a prisoner of Japan.

Q. At what places were you held and state the approximate dates?

A. I was captured by the Japanese Army on 7 Dec 1941 at Cavalry, Philippine Islands. I was held at Camp#1 until 2 June 1942 at which time I was taken by boat to Fort Mills. I was marched through the streets of Manila.

[redacted]

on 7 [illegible] was held at [illegible]. Until the night of 7 June 1943 and was transferred by train from [illegible] Prison to Otherwise, Philippine Islands on 3 June 1943. I was held at Camp #1, Otherwise, from 3 June 1943 until 30 January 1945 at which time I was liberated by the American Army.

Q. Did you witness any atrocities or mistreatment of American citizens at any time?

A. Yes. While I was held prisoner of war by the Japanese, I was transported from Corregidor, Philippine Islands to Manila, Philippine Islands under improper conditions.

Q. State what you know of your own knowledge about that incident?

A. During the a raiding of 2 June 1942 a number of Japanese prisoners, including myself, were packed into the hold of an old cargo boat which was anchored in the bay between Corregidor and Manila. The boat remained anchored in the same spot all that night and part of the next morning. It then moved towards Manila and arrived at Pier 7, Manila at about 5 PM that same day.

Q. Describe the conditions in the hold of this ship?

A. It was terribly crowded in my hold. There was insufficient room for the prisoners to lie down. I sat up sleeping that night. This boat had been used to haul coal with and the sides of the hold were very dirty. The stench in the hold was horrible.

Q. What ventilation did you prisoners receive?

A. The hatch of the hold provided the only ventilation we had.

Q. Did you prisoners receive any food during this our march?

A. We received nothing to eat from the time we boarded the boat until we arrived at Bilibid Prison, Manila which was twenty-four hours later.

Q. Did you prisoners receive any water during this movement?

A. We received no water during the movement however, some of us had canteens with us and were allowed to fill them before we started.

Q. Have there any sanitary facilities furnished you prisoners on this boat?

A. There was a five-gallon bucket on the deck of the boat however, it was very filthy.

Q. How many prisoners were placed in your hold?

A. I was located in the forward hold of the boat. I do not recollect how other prisoners were with me in this hold; however, there were at least several hundred.

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[redacted]

Q. [redacted]

A. I cannot recall, however, I do recall that the ship was of the 6,000-ton [redacted]

Q. [redacted]

A. [redacted]

Q. [redacted]

A. [redacted]

Q. [redacted]

A.

[redacted]

State of: [redacted]
County of: [redacted] ss

I, [redacted] being duly sworn on my oath, say that I have read the foregoing interrogatories of my subscription and the answers contained therein are true to the best of my knowledge and belief.

/s/ [redacted]

Subscribed and sworn to before me this [redacted] day of [redacted] 1944.

/s/ [redacted]
[redacted]
[redacted]
[redacted]
Notary Public

[redacted]

I, [redacted] hereby depose upon oath and say that I am a [redacted] duly commissioned and acting [redacted] and that I have read the foregoing answers to the several questions and having found other and additional [redacted] have transcribed the said [redacted] and that the same are correct to the best of my knowledge.

Name: [redacted]
Date: [redacted]

/s/ [redacted]
[redacted]

A CERTIFIED TRUE COPY:
John L. L. Rader
Capt JAGD

U. S. ARMY RECORDS
Prosecution of
Japan
Document No.
Received: 14 Jan 46.

C O N F I D E N T I A L

For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of the mistreatment of American prisoners of war during transfer from Corregidor, P. I. to Cabanatuan Prison No. 3 in May 1942.

Perpetuation of Testimony of William S. Goodwin, Cpl. 33044803

Taken at: Valley Forge General Hospital, Phoenixville, Pa.

Date: 10 May 1945

Before whom: Walter I. Waldrop, Special Agent, Security Intelligence Corps.

Reporter: May Finley, Stenographer, Philadelphia Field Office, Security Intelligence Corps, Third Service Command.

Questions by: Walter I. Waldrop

Q. State your name, rank, serial number and permanent home address.

A. My name is William S. Goodwin, Corporal, Army Serial Number 33044803, and my permanent home address is 324 Dalton Street, Portsmouth, Virginia.

Q. Have you recently been returned to the United States from overseas?

A. Yes.

Q. Were you a prisoner of war?

A. Yes.

Q. At what places were you held and state the approximate dates?

A. I was captured at Corregidor, P.I. in May 1942. The first prison camp in PA as I was placed was Cabanatuan No. 3, P.I. where I stayed from May 1942 until October 1942. I was moved to Cabanatuan No. 1 in October 1942 and remained there until September 1943. I was next moved to Las Penas where I remained from September 1943 until July 1944. I was next transferred to Bilibid Prison, Manila, P.I. and was there from July 1944 to November 1944. From Bilibid I was taken to McKinley and remained there from November 1944 until January 1945 at which time I was transferred to Bilibid Prison. I remained in Bilibid until my liberation by the American Army in February 1945.

Q. Did you witness any mistreatment of American prisoners of war at any time?

A. Yes.

Q. State what you know of your own knowledge about the incident.

A. I was captured by the Japanese at Corregidor in May 1942 at which time I was a hospital patient as a result of a nervous breakdown suffered by me during heavy artillery fire. On the morning of 23 May 1942 the Japanese started loading two transports with American prisoners of war. The Japanese crowded these transports with American prisoners, and while they started loading on the morning of 23 May the transports did not sail until the morning of 24 May. Upon reaching the Manila

area, they took us not to the dock area, but to the south side of Manila at the end of Dewey Boulevard near Cavite, loaded us in barges and took us near shore. We were forced to jump overboard into waist-deep water and walk to the shore.

The transports were crowded with men and there were only a few latrines on the top deck which made it necessary for the men to line up for thepurpose of evacuation, and as a large number of the prisoners had dysentery the sanitary conditions became deplorable.

We were not given any food from the time we were loaded on the transport at about 2 p.m. on 23 May 1942 until we reached Bilibid Prison around 6 p.m. on 24 May 1942. There was a small amount of water on the top deck and it was necessary to line up to get a small amount of water to drink.

They marched us across town in the hot sun to Bilibid Prison which was about three miles from where we unloaded. All prisoners of war were made to walk except the older men who could not make it were transported in trucks. I fell out on the way and a Japanese officer on horseback came along, hit me on the head with a stick, and made me continue to march.

Among the American prisoners of war was Theodore Leitz, a Chief Yeoman in the United States Navy whose home originally was in Poughkeepsie, New York who had an open wound on the hip which was draining at the time we were transported. He was forced to march with the rest of us and received no medical attention from the time of our departure from Corregidor until our arrival at Bilibid. I lost track of him after our arrival at Bilibid and do not know whether or not he received any medical attention there.

We spent two days in Bilibid Prison and on or about 27 May 1942 we were marched from Bilibid Prison to the railroad station in Manila and we were loaded into Filippino freight cars, which are about one-half the size of the average American freight car. The Japanese crowded the American prisoners of war into the cars to such an extent that it was necessary for everyone to stand. If anyone had fainted or passed out it would have been necessary for that person to continue standing as there was no place for him to fall. The freight cars were made of metal and the doors on most of the cars were closed by the Japanese. The door on the car in which I was riding would not shut so we were able to get a little air. Even with the door open it was stifling hot.

The Japanese allowed us to take water with us in any containers which we had. Several stops were made and at one stop Filippino women brought us water. No food was given to us from the time we left Bilibid Prison, which was right after sunrise, until we arrived at Cabanatuan that same evening.

Cabanatuan No. 3 is only about eighty miles from Manila but the trip took about eight hours. We were without food for at least ten hours. The Japanese did not unload the prisoners during the trip and there was no provision for sanitary facilities. A good many of the men had dysentery and sanitary conditions became very bad. At some of the stops a few American prisoners of war did get off to relieve themselves and the Japanese did nothing to them. Among the prisoners of war was Walter Flowers, Pfc., United States Army, whose home was in New York City and who had worked for the Mutual Life Insurance Company of New York, but Flowers was sent to Japan by boat in October 1944. Another prisoner was Francis Vogelsinger, of the United States Army, whose home was in Reading, Pennsylvania. I never knew the names of the Japanese officers in charge of our transportation from Corregidor to Cabanatuan No. 3.

It is my opinion that the failure to provide adequate sanitary facilities, food and medical attention was a deliberate oversight on the part of the Japanese authorities. This is based on their subsequent treatment of American prisoners of war and the fact that the Japanese had better food and facilities during our transportation.

/s/ William H. Goodwin
William H. Goodwin, Cpl., U.S. Army

CONFIDENTIAL

STATE OF PENNSYLVANIA }
COUNTY OF ERIE } ss

[illegible] being duly sworn on oath, says that he is [illegible] and that the facts set forth in the foregoing affidavit are true and correct to the best of his knowledge and belief.

[illegible]

Subscribed and sworn to before me this 20th day of May 1943.

[illegible]

CONFIDENTIAL

[illegible] being duly sworn on oath, says that he is [illegible] and that the facts set forth in the foregoing affidavit are true and correct to the best of his knowledge and belief.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1943.

[illegible]

A CERTIFIED TRUE COPY

[illegible]

U. S. A. VS MIYAMURA ET AL
PROSECUTION
DEFENSE
EXHIBIT [illegible]
RECEIVED [illegible]

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[redacted]

Q. Did you participate in the march of American prisoners from the point of landing on Luzon to Bilibid prison when you were transferred from Corregidor?

A. Yes.

Q. Tell us about that march Mr. Caudillet.

A. We were loaded onto a troop transport at Corregidor on May 23rd but stayed on the boat there until the morning of the 24th. On the 24th we sailed up Manila Bay and were unloaded into landing barges which put ashore on the beach just south of the city of Manila. We were marched from there to Bilibid prison.

Q. What was your physical condition at the time of this march, Mr. Caudillet?

A. I had shrapnel wounds in my legs and face which bothered me considerably and I had contracted a case of pneumonia which made me quite ill and weak.

Q. Did you participate in the march yourself?

A. Yes.

Q. Were you able to march easily?

A. No, I could barely walk alone. I was supported on the entire march by Major Dodworth and Captain Cogdon.

Q. Mr. Caudillet, are you familiar with the city of Manila and the location of both your point of landing near the city and the location of Bilibid?

A. Yes, I lived in Manila for about four years before the war.

Q. Could you estimate the distance by the shortest route from your point of land to Bilibid?

A. I would say it was about seven miles.

Q. Did the route you marched exceed this distance?

A. Yes. We marched about 8 1/2 miles, I would say.

Q. What was the purpose of this additional distance marched?

A. From the crowds which lined the streets all the way to Bilibid prison it seemed the Japs had prepared this as sort of a victory parade and had arranged for the Filipino populace to see us marched as conquered people through the streets of Manila. I don't see how it could have been otherwise because the crowds that were present could not have gathered in so short a time without previous arrangement.

Q. What time of day did you land?

A. Around noon. The march took two or three hours.

Q. What were the weather conditions?

A. The weather was clear and it was very hot. May is one of the hottest months in the Philippines.

Q. How were you guarded during the march, Mr. Caudillet?

A. By Jap officers on foot along side of the column, by Jap officers mounted on horses riding alongside the column and by Manila police who were stationed at intervals along the route of march.

Q. Were any of the American prisoners in this marching column mistreated in any way?

Q. [illegible]

A. [illegible]

Q. Do [illegible] and the Iraqi [illegible] seem to see us were very sympathetic.

A. [illegible] Yes, they wanted to help us in any way [illegible] they could. They wanted to help us in any way [illegible] would not allow us [illegible] these officers and [illegible] prisoners as we [illegible] by. These [illegible] who picked up or caught our [illegible] at the [illegible] were [illegible] by the Jordanian people who used their [illegible] for this purpose. Many of the surviving prisoners were hit. [illegible] I don't remember who [illegible] but lots of them were.

Q. Were any of those who were treated in this fashion seriously injured in any way?

A. Not that I have of. They were probably hindered up a bit but I don't [illegible] seriously hurt.

Q. Are [illegible], what was the physical effect of the march on the prisoners as a result?

A. [illegible] but not been well fed at [illegible], but been unable to sleep as [illegible] the night before and because the day was an extremely hot one as evidenced by pitiful completely exhausted.

Q. Did you see any prisoners or prisoners collapse during or immediately following the march?

A. Only just a short time before we reached Mirbat Colonel Yost collapsed and [illegible] the time we were entering the gates of Mirbat Colonel Yost collapsed. I saw them both fall and I saw them lying on the ground after they had collapsed.

Q. Were both Colonel Yost and Colonel Parker revived?

A. Yes. I know that Colonel Yost died. I believe Colonel Parker recovered at this time and died later.

Q. Can do you know what Colonel Yost died?

A. It was general knowledge among the officers and men at Mirbat. It was the result of exhaustion that's I think everyone who was in Mirbat at the time knew it.

Q. Did you see his body after his death?

A. No.

Q. Do you have any description you made of his body?

A. No.

Q. Do you know why there two were collapsed?

A. They were both falling due to the events under which they had been for some [illegible]. Both of them were fairly old men and the heat and exertion of the march got them. They had general knowledge of Mirbat too.

Q. Were either of this vehicle at the time they collapsed?

A. I couldn't say but if they were it would not have been [illegible] because it is assumed [illegible] most of the way and collapsed only a very short distance from Mirbat.

Q. Mr. [illegible], were there officers who [illegible] of prisoners during this march and the events leading to the death of Colonel Yost?

A. Yes. Major Dunsmith and Captain Dodson, the two officers who were helping

[redacted]

Q. Can your further identify these officers

A. Captain Cayden was an ordnance officer, he had been head of the ordnance repair shops on Corregidor. Major Dorworth was a Coast Artillery officer, a regular army man who had graduated from West Point.

Q. Can you further identify the two Colonels you have mentioned ?

A. Colonel Hunter was a Coast Artillery officer. I don't know what Colonel Ford except that he have been stationed on Corregidor. I don't know anything about them other than that.

Q. Can you furnish names or descriptions of Japanese enlisted men or officers who acted as guard during the march you have just told about ?

A. No.

Q. Can you identify in any manner any Japanese officer or person of authority who ordered or caused this march to be made

A. No.

Q. Then you cannot name any individual or group of individuals who were responsible for the conditions which existed during the march

A. No, you see these guards and officers had gathered at the beach early in the morning before we started our march and that was the first time any of us had seen them. I don't know whether they were the same ones who acted as guards at Bilibid after we got there but even if they did I was too ill to be impressed with names or appearances at that time.

Q. That is all. Thank you, Mr. Lundblad.

/s/ Orik H. F. Lundblad
/s/ Orik H. F. Lundblad, 0-901119.

State of Louisiana }
} ss
Parish of Orleans }

I, Orik H. F. Lundblad, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my testimony, consisting of 4 1/2 pages, and all answers contained therein are true to the best of my knowledge and belief.

/s/ Orik H. F. Lundblad
/s/ Orik H. F. Lundblad, 0-901119.

Subscribed and sworn to before me this 30th day of July 1945.

/s/ Jack F. Morrison Capt. AGD
Asst. Adj.

CERTIFICATE

I, Charles H. Eaton, Agent, Security Intelligence Corps, Eighth Service Command, certify that on 14 July 1945, personally appeared before me Orik H. F. Lundblad, 0-901119, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, same consisting of four and one-half pages, the said Orik H. F. Lundblad read the same and affirmed his signature thereto in my presence.

Place: Ward 12, La Garde General Hospital, New Orleans, La.
Date: 30 July 1945

/s/ Charles H. Eaton
/s/ Charles H. Eaton, Agent, SIC, 8th SvC.

A CERTIFIED TRUE COPY:
John L. J. C. Eaton
J.C. for J.A.G.

U.S.A. vs. MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 659
RECEIVED 14 Jan. 46

C O N F I D E N T I A L

FOR THE WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of American Prisoners of war being beaten by Japanese officers and enlisted men on their forced march through the city of Manila, Luzon on 23 May 1942.

Perpetuation of Testimony of Leo Bennett, Cpl., AS 19357050

Taken at: Grand City, Missouri

Date: 5 May 1945

In the Presence of: Captain General J. [illegible] and Donald W. Brooks.

Reporter: [illegible]

Questions by: Captain Clarney

The witness was duly sworn by Captain Clement J. Clarney, Summary Court, Headquarters, District #3, Seventh Service Command, Kansas City, Missouri.

Q. State your name, rank, serial number and permanent [illegible]

A. Leo Bennett, Cpl, 19570[illegible], Grand City, Missouri.

Q. Have you recently been returned to the United States [illegible]

A. Yes, sir.

Q. Were you a Prisoner of War?

A. Yes, I was a prisoner of the Japanese.

Q. At what places were you held and state the approximate dates?

A. I was captured by the Japanese on Corregidor, P.I. on 23 May 1942. I was taken from Corregidor and marched through the city of Manila to Bilibid Prison on the same day. I remained at Bilibid Prison that night, and on 24 May 1942, I was sent by freight train to Cabanatuan, Luzon. I arrived at Cabanatuan on 25 May 1942 and remained there overnight. On 27 May 1942 I was marched from Cabanatuan to Camp #3, which was located about 11 kilometers from the city. I arrived at Camp #3 on the same day and was held there until 19 September 1942, when I was forced to march about 14 kilometers from Camp #3 to Camp #1, which was located about 9 kilometers from Cabanatuan. I arrived at Camp #1 on 19 September 1942 and was held prisoner there until 8 June 1943. On the latter date I was sent to Nasu, Japan where I was quartered at a camp. From 8 June 1943 until 11 July 44 I was held at this camp in Nasu and forced to work on Nichols Field. On the latter date I was sent to Bilibid Prison, arriving there on the same day. I was held at Bilibid Prison until about 29 or 30 August, 1944, at which time I was sent back to Camp #1. I arrived at Camp #1 on the same day and was held there until 30 January 1945 when I was liberated by the U.S. Army.

Q. Did you witness any atrocities or mistreatment of American citizens at any time?

A. Yes, while I was held prisoner of war by the Japanese I was forced to march through the streets of Manila, Luzon and during that march I saw Japanese officers and enlisted men beat numerous American prisoners.

Q. Will you identify the incident and state what you know of your own knowledge about that incident?

A. I was taken prisoner of war by the Japanese on Corregidor, P.I., and on 23 May 1942 I was taken by boat with a number of other American prisoners to Manila where we were landed at the Dewey Boulevard pier. On that same day we were marched approximately 9 kilometers from one side of Manila to Bilibid Prison, which is on the other side of the city. The march took place during the heat of the day and was in full view of the population of the city. I saw an American prisoner beaten practically every block of the march through Manila. Many of the Americans became ill and tired and when any of them were unable to continue the march, they were beaten all over their bodies by the Japanese officers and enlisted men who were in charge of us. In most cases the American prisoners would fall out of the column because of illness and fatigue and the Japanese would come up to them and beat them with either their rifle butts or their saber scabbards. The American prisoners who fell out and were beaten were left lying on the street with a Japanese guarding them. I heard later that the Japanese sent a detail back and picked up these Americans who had fallen out.

Q. Can you name and/or identify any of the Japanese in charge of this march?

A. I am unable to name or identify any of the Japanese personnel; however, I learned from other prisoners that the Japanese who marched us through Manila, including both officers and enlisted men, had just prior to the march come from Singapore. They were no longer with us after we arrived at Bilibid Prison.

/s/ Lee Bennett
Lee Bennett, Cpl.
6957050 - ANN

State of: Missouri)
) SS
County of: Holt)

I, Lee Bennett, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Lee Bennett
Lee Bennett, Cpl.

Subscribed and sworn to before me this 1st day of June 1945.

/s/ Clement J. Tierney
CLEMENT J. TIERNEY, Capt., Inf.
Summary Court.

CONFIDENTIAL

CERTIFICATE

I, Clement J. Tierney, Captain, Infantry, certify that on 9 May 1945 personally appeared before me, Lee Bennett, Cpl, ASN 6857050, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed the said Lee Bennett read the same and affixed his signature thereto in my presence.

Place: Mount Vernon, Missouri

/s/ Clement J. Tierney
CLEMENT J. TIERNEY, Capt. Inf.

Date: 9 May 1945

Recorder Court

A CERTIFIED TRUE COPY:

John L. Gale
Capt. JAGD

U. S. A. vs MASAHARU HONMA
PROSECUTION ✓
DEFENSE
EXHIBIT No. 360
RECEIVED 16 JUL 46

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RESTRICTED.

361

For the WAR CRIMES OFFICE

Judge Advocate General's Department - War Department

United States of America

In the matter of the mistreatment of prisoners of War during the Japanese occupation of Manila.

* Perpetuation of Testimony of Henry G. Lolliet, civilian.

Taken at: Hotel Benjamin Franklin, Room 633, Sixth & Chestnut Streets, Philadelphia, Pa.

Date: 21 June 1945

In the Presence of: Gabriel J. Dalton, Agent, Security Intelligence Corps, Third Service Command

Recorder: Mary M. Barrett, Stenographer, Philadelphia Field Office, Security Intelligence Corps, Third Service Command

Questions by: Gabriel J. Dalton, Agent, Security Intelligence Corps, Third Service Command

Q. What is your full name and address?

A. Henry G. Lolliet, Hotel Benjamin Franklin, Room 633, Sixth & Chestnut Streets, Philadelphia, Pa.

Q. When and where were you born?

A. I was born 13 March 1903 in Vigneulles, France.

Q. When and through what port did you enter the United States?

A. I entered the United States on 18 May 1926 at New York, New York.

Q. What is your marital status?

A. I was married in 1928 in Mexico to Dorothy Carr, a native-born American citizen of Flushing, Long Island, New York. I was in Mexico at that time as a representative of the Radio Corporation of America.

Q. Are you a citizen of the United States?

A. I received my first papers in 1929 at Philadelphia, Pa. The number of such papers is B-154373. My Declaration of Intention bears Number 1486[illegible]. I am registered under the Alien Registration Law as Number 6044[illegible]. I was prevented from obtaining my final papers in 1942 as I could not return to the United States. I have made application since my return on 8 May 1945.

Q. What is your present occupation?

A. I have been employed since January 1928 by the Radio Corporation of America as a Sales Representative and Radio Engineer.

Q. State where you have resided for the past five years?

A. I left the United States on 22 February 1940 for the Radio Corporation of America. I was to be the Chief Engineer of their Far East Branch in Hong Kong and Sales Representative for that concern in the Philippine Islands. I spent six weeks in Hawaii and then proceeded to the Philippine Islands.

Q. State where you resided in the Philippine Islands?

SECRET

361

For the WAR CRIMES OFFICE

Judge Advocate General's Department - War Department

United States of America

In the matter of the mistreatment of prisoners of war during the Japanese occupation of Manila.

Perpetuation of Testimony of Henry G. Lalliet, civilian.

Taken at: Hotel Benjamin Franklin, Room 833, Sixth & Chestnut Streets, Philadelphia, Pa.

Date: 21 June 1945

In the Presence of: Gabriel J. Dalton, Agent, Security Intelligence Corps, Third Service Command

Reporter: Mary M. Barrett, Stenographer, Philadelphia Field Office, Security Intelligence Corps, Third Service Command

Examination by: Gabriel J. Dalton, Agent, Security Intelligence Corps, Third Service Command

Q. What is your full name and address?

A. Henry G. Lalliet, Hotel Benjamin Franklin, Room 833, Sixth & Chestnut Streets, Philadelphia, Pa.

Q. When and where were you born?

A. I was born 13 March 1903 in Vigneulles, France.

Q. When and through what port did you enter the United States?

A. I entered the United States on 18 May 1926 at New York, New York.

Q. What is your marital status?

A. I was married in 1935 in Mexico to Dorothy Carr, a native-born American citizen of Flushing, Long Island, New York. I was in Mexico at that time as a representative of the Radio Corporation of America.

Q. Are you a citizen of the United States?

A. I received my first papers in 1929 at Philadelphia, Pa. The number of such papers is 3-164372. My Declaration of Intention Score Number 149837. I am registered under the Alien Registration Law as Number 6054626. I was prevented from obtaining my final papers in 1942 as I could not return to the United States. I have made application since my return on 2 May 1945.

Q. What is your present occupation?

A. I have been employed since January 1928 by the Radio Corporation of America as a Sales Representative and Radio Engineer.

Q. State where you have resided for the past five years?

A. I left the United States on 22 February 1940 for the Radio Corporation of America. I was to be the Chief Engineer of their Far East Branch in Hong Kong and Sales Representative for that concern in the Philippine Islands. I spent six weeks in Hawaii and then proceeded to the Philippine Islands.

Q. State where you resided in the Philippine Islands?

SECRET

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A. From 8 April 1942 until 15 January 1945, I remained at my home [illegible] Philippine Islands. My name continued on the camp [illegible] city where I resided until 12 April 1942. I was [illegible] Santo Tomas until September 1943, when I came to Cal-Tech [illegible] 12 February 1945, when my wife and myself were liberated by [illegible] We returned to the United States on 8 May 1945 where we joined [illegible] Los Angeles, California.

Q. Have you at any time returned to the Japanese after they had previously [illegible]

A. No. The Japanese occupied Manila on 2 January 1942. They [illegible] at the Texas Hotel just a few days later. I was interviewed [illegible] informed them that I was a French citizen for [illegible] why were being interned and their property confiscated. I [illegible] that although my wife was an American, she was by virtue of her marriage [illegible] a French citizen under the Law of that country. They accepted [illegible] and we were permitted to escape internment. We [illegible] as directed that I report to the military police [illegible] registered. I was then ordered to report to [illegible] so as to save my belongings. (See Exhibit I). [illegible] then taken over by the local Nipponese, a Japanese [illegible] of a Mr. Yamagata. My subsequent changes of [illegible] all at the instigation of the Japanese authorities. [illegible]

Q. Did you witness any mistreatment of Prisoners of War at any time?

A. Yes. On 31 May 1942, I was living at the Santo Tomas [illegible] from there until 5:30 P.M. of that day. I observed a procession of [illegible] being carried past my room. I believe they were prisoners of war from Fort of Corregidor. The prisoners [illegible] Julian and fourteen had been [illegible] every thing on the [illegible]

The prisoners presented a [illegible] sight. They were arranged in groups of two hundred with about one hundred [illegible] four thousand men in the entire procession. Most of the prisoners were [illegible] and others were [illegible]. Some had [illegible] were half-naked. Many of the men were in their bare feet, all of the prisoners were sick, tired and hungry. Many fainted and were left [illegible] for several hours when they were [illegible] the [illegible] prison. Several residents of my block attempted to bring water to the prisoners but were prevented from [illegible] by the Japanese [illegible]

/s/ Henry G. Gelliet
/s/ Henry G. Gelliet

State of Pennsylvania)
) ss
County of Philadelphia)

I, Henry G. Gelliet, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Henry G. Gelliet
/s/ Henry G. Gelliet

Subscribed and sworn to before me this 1st day of July 1945.

/s/ Joseph G. Howell, Notary Public
Notary Public

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A. From 2 April 1942 until 30 January 1943, I resided at [illegible] Philippine Islands. My wife residence was at the same [illegible] city where I resided until 16 April 1942. I then lived at [illegible] family until September 1942, when I went to Batangas where I remained until 28 February 1943, when my wife and myself were interned by Japanese [illegible] to returned to the United States on 2 May 1943 aboard the American Export [illegible] Los Angeles, California.

Q. Have you at any time spoken to the Japanese after the war started?

A. No. The Japanese occupied Manila on 2 January 1942. They came to my residence at 10 [illegible] about just a few days later. I was permitted to [illegible] informed them that I was a French citizen for which the Japanese [illegible] ship were being interned and their property confiscated. I [illegible] that although my wife was an American, she was by virtue of her marriage to [illegible] a French citizen under the law of that country. They searched [illegible] and we were permitted to remain interned. [illegible] directed that I report to the military police [illegible] registered. I was then ordered to remain at [illegible] as we were my belongings. (See Exhibit I). [illegible] then taken over by the Japan Navies, a [illegible] of a Mr. Tsunenari. My subsequent [illegible] all of the interrogations of the Japanese authorities. [illegible]

Q. Did you witness any mistreatment of prisoners of war at the camp?

A. Yes. On 25 May 1942, I was living at 216 Isaac Peralta, Manila. [illegible] until 8.00 P.M. of that day, I observed a procession of American [illegible] being marched past my home. I believe that they were [illegible] barrio of Santa Ana. The procession was under the control of the Japanese [illegible] police and several had been shot every mile or [illegible]

The prisoners presented a pitiful sight. They were marched in groups of [illegible] hundred with about one hundred yards between each group. There were [illegible] four Japanese and in the entire procession, some of the prisoners were [illegible] personnel and others were Army men. Some had [illegible] and others were [illegible] were unbearable. Many of the men were in their [illegible] were sick, tired and hungry. Many fainted and were left [illegible] back for several hours then they were then ordered to [illegible] guards. Several remnants of my [illegible] prisoners as they passed [illegible] and but were prevented from rendering any assistance by the Japanese [illegible]

/s/ Henry G. Sullivan
/s/ Henry G. Sullivan

State of Pennsylvania)
) ss.
County of Philadelphia)

I, Henry G. Sullivan, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Henry G. Sullivan
/s/ Henry G. Sullivan

Subscribed and sworn to before me this 2nd day of July 1945.

/s/ Joseph F. Smith, Jr.
Notary Public

[redacted]

[redacted]

I, [redacted], [redacted] Security Intelligence Corps, Chief Service Bureau, [redacted], [redacted], personally appeared before me Henry O. Elliot, [redacted] and being duly sworn to the oath hereof questions set forth, that after [redacted] and [redacted] examination, the said Henry O. Elliot read the oath and affixed his signature thereto in my presence.

[redacted]

/s/ Gabriel J. Quinn
/s/ Gabriel J. Quinn, Agent
Security Intelligence Corps,
Chief Service Bureau

[redacted]

[redacted]

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 361 Ex 361.
RECEIVED 1 Oct 1946

(Includes following attached pages.

[redacted]

7 pgs

このフランス人は目下引越中で荷物
には別段奪品なし
のアパートから Bewery Boulward の新
アパートへ移転するそうです

イナクベン所 三・ん
先日新聞
支局

Manila, Mar. 24, 1944.

Mr. T.C. Hallot;

NOTICE

Sir:

You are hereby given notice that the house which you are leaving has been contructed between the Imperial Japanese Navy and the house owner [redacted]. You ought to look for another house to leave as soon as possible. You are given time up to April 15, 1944.

Y. Yoshio
The Imperial Japanese Navy

EXHIBIT II - [illegible]

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RESTRICTED

For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

IN THE MATTER OF THE MISTREATMENT OF AMERICAN PRISONERS OF WAR BY THE JAPANESE AT MANILA, PHILIPPINE ISLANDS, 1942.

PERPETUATION OF TESTIMONY OF CECELIA M. PARADES.

Taken at: Marine Hospital, Wakonlil Point, Detroit, Michigan.

Date: 2 July 1945.

In the presence of: Carl A. Rosse, Special Agent, SIB.

Reporter: Betty B. Henderson, Clerk Stenographer, WDGS.

Questions by: Carl A. Rosse, Special Agent, SIB.

Q. Please state your name, address and occupation.

A. Cecelia M. Parades, 420 Lenox, Detroit, Michigan, and I am a beauty operator.

Q. You were recently returned to the United States from the Philippine Islands?

A. Yes.

Q. You were not interned?

A. No, I lived in Manila and I went into camp before the end.

Q. Is there any reason for you not being interned?

A. They didn't take American girls married to Filipinos.

Q. When were you married?

A. In 1933.

Q. You are an American?

A. Yes.

Q. You were born where?

A. In Detroit, Michigan.

Q. Were you employed in the Philippines?

A. I managed a beauty salon, and I worked at Vogue before the war broke out in Manila.

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Q. Did you work after the Japanese occupation?

A. Once I did. I went and worked in here and restaurants.

Q. Did you witness the mistreatment of American prisoners of war by the Japanese?

A. Yes, I saw one American soldier's whole face torn by spurs of a Japanese officer.

Q. Tell all this happened?

A. Well corregidor fell. It happened as every Americans in Corregidor. They marched the boys from Cavite and some town march. This one soldier, I don't know his name, but I saw him. He stood up he held the sword of the Japanese officer. The Japanese officer took his hands with the spurs and kicked him right in the face, tearing his cheek open. A colored soldier went to help him up and another Japanese officer beat him up.

Q. At the time did you witness the beating of any other Americans?

A. They were kicking them and beating them when they arrived there.

Q. Did you ha drink water?

A. Yes, they asked for water and they didn't give it to them. I saw one soldier get his eyes poked out.

Q. There was that?

A. Going toward jail in Manila.

Q. What happened?

A. He was too slow and they poked his eyes out. They push or rish a bayonet and stepped his shave and one short Japanese took his bayonet -- took his eyes out.

Q. What happened to the soldier?

A. I didn't watch him anymore.

Q. This is the same day that they were marching from Corregidor to Cavite?

A. That was the same day. They were going to stop at Pilibid prison.

Q. You don't know the names of anyone responsible?

A. No.

Q. Do you have anything further to add?

A. No.

/s/ Cecilia M. Paredes
/s/ CECILIA M. PAREDES

[redacted]

Q. Did you work after the Japanese occupation?

A. Yes, I did. I went and worked in here and restaurants.

Q. Did you witness the mistreatment of american prisoners of war by the Japanese?

A. Yes, I saw one american soldier's whole face torn by spurs of a Japanese officer.

Q. Tell us this however?

A. This Corregidor fell. It happened on every battlefield in Manila. They marched the boys from Cavite and made them march. This one soldier, I don't know his name, but I saw him, he stood up to help the cousin of the Japanese officer. The Japanese officer took his boots with the spurs and kicked his right in his face, tearing his cheek open. A colored soldier went to help him up and another Japanese officer took him up.

Q. At the time did you witness the beating of any other Americans?

A. They were kicking them and pushing them when they entered town.

Q. Did the die death march?

A. Yes, they asked for water and they didn't give it to them. I saw one soldier get his eyes poked out.

Q. Where was that?

A. Going towards jail in Manila.

Q. What happened?

A. He was too slow and they poked his eyes out. They went up with a bayonet and slapped his cheeks and one Nipponese took his bayonet and took his eyes out.

Q. What happened to the soldier?

A. I didn't watch him anymore.

Q. This is the same day that they were marching from Corregidor to Cavite?

A. That was the same day. They were going to stop at Bilibid prison.

Q. You don't know the names of anyone responsible?

A. No.

Q. Do you have anything further to add?

A. No.

/s/ Cecelia M. Paredes
/s/ CECELIA M. PAREDES
[redacted]

[redacted]

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State of: Michigan)
) ss
County of: Wayne)

I, CECELIA M. PAREDES, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation; that all answers contained therein are true to the best of my knowledge and belief; and that the transcribed deposition contains pages each initialed by myself.

/s/ Cecelia M. Paredes
/t/ CECELIA M. PAREDES

- -

Subscribed and sworn to before me on this 16th day of Aug., 1945.

/s/ Robert Reece
/t/ Notary Public,
Wayne County, Michigan.

My commission expires: 15 May 1949.

- -

I, CARL R. REESE, Special Agent, SIC, certify that on 2 July 1945, personally appeared before me Cecelia M. Paredes and gave the foregoing answers to the several questions set forth; that after her testimony had been transcribed, the said Cecelia M. Paredes read the same and affixed her signature thereto in my presence.

/s/ Carl R. Reese
/t/ CARL R. REESE
Special Agent, SIC.

Intelligence and Personnel Security Branch,
Headquarters, District No. 1, Sixth Service
Command, ASF, 1035 Penobscot Building,
Detroit 26, Michigan, 16 Aug. 1945.

A CERTIFIED TRUE COPY:
John L. Ty Graham
Capt JAGD

U. S. A. VS MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No. 362
RECEIVED 16 JAN 46

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For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of transportation of prisoners of war under improper conditions from 26 May 1942 to 29 May 1942.	*	Perpetuation of Testimony of Alvin A. Staus, T/Sgt., ASN 6322706

Taken at: Schneider Hotel, Pampa, Texas
Date: 3 May 1945
In the Presence of: David J. Morrison, Agent, Security Intelligence Corps, Eighth Service Command

Questions by: David J. Morrison, Agent, Security Intelligence Corps, Eighth Service Command

Q State your name, rank, serial number and permanent home address.
A Alvin A. Staus, T/Sgt., ASN 6322706, c/o Mr. W.H. Staus, Pampa, Texas.

Q Have you recently returned to the United States from overseas?
A Yes sir.

Q Were you a prisoner of war?
A Yes sir.

Q State what places you were held and state the approximate dates.
A Camp No. 3, Luzon, P.I. from 29 May 1942 to 25 July 1942; Pasay Intermediate School, Park Avenue, Manila, Luzon, P.I. from 25 July 1942 to 10 November 1942; Camp No. 3, Luzon, P.I. from 10 November 1942 to 30 November 1942 and Camp No. 1, Luzon, P.I. from 30 November 1942 to 30 January 1945.

Q Are you familiar with the manner and method of transporting American prisoners of war from Corregidor Island to Camp Bilibid, Luzon, P.I. on or about 26 May 1942?
A Yes sir.

Q State briefly how you were transported.
A We were taken in boats from Corregidor through Manila Bay and anchored just off Manila. We were then transferred to small boats and taken in to approximately a quarter of a mile from the shore line - here the water was just a little over waist deep and forced to walk the quarter mile in water to the shore. When we reached the shore we were then forced to march some 6 or 7 miles to Camp Bilibid.

Q What type of treatment did you receive from the Japanese men and officers in charge of you during that trip?
A The treatment was very poor. When the small boats arrived about a quarter of a mile from the shoreline they "knocked us out of the boats" rather than asking us to get out. On the march to the shoreline and from there to Camp Bilibid many of our men and officers fell out due to their

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For The WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of transportation of prisoners of war under improper conditions from 26 May 1942 to 29 May 1942.	:	Presentation of Testimony of Alvin A. Staus, T/Sgt., ASN 6322706

Taken at: Seminole Hotel, Pampa, Texas
Date: 3 May 1945
In the Presence of: David J. Morrison, Agent, Security Intelligence Corps, Eighth Service Command

Questions by: David J. Morrison, Agent, Security Intelligence Corps, Eighth Service Command

Q State your name, rank, serial number and permanent home address.
A Alvin A. Staus, T/Sgt., ASN 6322706, c/o Mr. W.H. Staus, Pampa, Texas.

Q Have you recently returned to the United States from overseas?
A Yes sir.

Q Were you a prisoner of war?
A Yes sir.

Q State what places you were held and state the approximate dates.
A Camp No. 3, Luzon, P.I. from 29 May 1942 to 25 July 1942; Pasay Intermediate School, Park Avenue, Manila, Luzon, P.I. from 25 July 1942 to 10 November 1942; Camp No. 3, Luzon, P.I. from 10 November 1942 to 30 November 1942 and Camp No. 1, Luzon, P.I. from 30 November 1942 to 30 January 1945.

Q Are you familiar with the manner and method of transporting American prisoners of war from Corregidor Island to Camp Bilibid, Luzon, P.I. on or about 26 May 1942?
A Yes sir.

Q State briefly how you were transported.
A We were taken in boats from Corregidor through Manila Bay and anchored just off Manila. We were then transferred to small boats and taken in to approximately a quarter of a mile from the shore line - here the water was just a little over waist deep and forced to walk the quarter mile in water to the shore. When we reached the shore we were then forced to march some 6 or 7 miles to Camp Bilibid.

Q What type of treatment did you receive from the Japanese men and officers in charge of you during that trip?
A The treatment was very poor. When the small boats arrived about a quarter of a mile from the shoreline they "knocked us out of the boats" rather than asking us to get out. On the march to the shoreline and from there to Camp Bilibid many of our men and officers fell out due to their

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weakened condition and the Japanese rather than trying to assist them would ridicule them with their rifles.

Q Are you able to give the names of any of the Americans soldiers who fell out on this march or the names of a description of any of the Japanese participating in the acts mentioned in your previous answer?
A No sir.

Q How long were you housed in Camp Bilibid?
A About two days.

Q What were the living conditions in the camp at that time?
A The camp was exceedingly crowded and there was nothing to resemble furniture in the camp. We were forced to sleep on concrete floors and had to use the equipment we had with us as covers or bedding.

Q Where were you taken after the two days stay at Camp Bilibid?
A Camp No. 3, Luzon, P.I.

Q How were you transported from Camp Bilibid to Camp No. 3?
A Some 110 of us were placed in each boxcar of a rail line running to Cabanatuan. The cars looked like they would normally hold some 50 men. This was about an eight hour trip during which time many of the men in the car fainted and it was so crowded that they had to be held up as there was not room to lay them down. We stopped at Cabanatuan and stayed there overnight and the following morning were forced to hike some 15 miles to Camp No. 3.

Q What accomodations were furnished you at Cabanatuan during your overnight stay and what were the conditions of the 15 miles hike to Camp No. 3 from Cabanatuan?
A In Cabanatuan we were given dinner which consisted of about one-third of a canteen cup of rice perman. Nothing else was furnished, not even water and we were forced to sleep any place we could find, which generally was out on the ground. During our hike the following day we were given no water, but during some infrequent rest stops the guards would allow us to drink water standing in the roadside ditches. This made many of the men very sick and they were forced tofall out on the hike. I do not know what happened as we went on without them.

S/ Alvin A. Staus
?/ ALVIN A. STAUS, AAF

State of Texas)
) SS
County of Gray)

I, Alvin A. Staus, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

S/ Alvin A. Staus
?/ ALVIN A. STAUS, AAF

Subscribed and sworn to before me this 9th day of May 1945.

My commission expires: June 1, 1945 S/ W.A. Carr
(Notary Public)

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CERTIFICATE

I, David J. Morrison, Agent, Security Intelligence Corps, Eighth Service Command, certify that on 3 May 1945, personally appeared before me Alvin A. Staus, T/Sgt., [illegible], and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed the said Alvin A. Staus read the same and affixed his signature thereto in my presence.

Place: Fampa, Texas

Date: 9 May 1945

S/ David J. Morrison
(signature)
Agent, Security Intelligence,
Eighth Service Command

A CERTIFIED TRUE COPY:

John L. J. Gorham
1 Capt JAGD

—

RESTRICTED

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No. 363
RECEIVED 16 Jan 46

~ 2

RESTRICTED

COMMONWEALTH OF AUSTRALIA)
STATE OF QUEENSLAND) ss
CITY OF BRISBANE)

AFFIDAVIT

Denver L. Rose, Pfc., AIF 19010471, 2/9th Gds, stationed at Fort Mills, Corregidor, until the date of surrender, May 6, 1942, being first duly sworn, deposes and says that:

He was a prisoner of war of the Imperial Japanese Army from May 6, 1942 until on or about September 9, 1944, and while a prisoner of war he personally observed the following atrocities:

On or about May 20, 1942, while a prisoner of the Japanese military forces at Bilibid prison in Manila, he saw a number of American soldiers killed because they did not instantly obey the commands of the Japanese guards. Rose remembers only one by name, a Sgt. Hight (phonetic spelling). Hight was fourth in line of a group of men lined up for water. A Japanese guard (name unknown) ordered Hight to the end of the line. Hight did not immediately obey the guard, so the guard killed Hight then and there with a bayonet. Rose saw three others killed in the same manner, but he does not know the names of the Americans nor the Japanese involved.

Deponent further deposes and says that on August 20, 1944, he, together with other prisoners of war, were placed aboard a Japanese ship supposedly headed for Manila. Fifteen days later or on or about September 9, 1944, the ship was torpedoed and Rose, together with the other American prisoners of war jumped overboard into the water. The Japanese aboard the ship were shooting at the Americans swimming in the water, but Rose continued on towards the shore. As he approached the shore he noticed a Japanese tanker beached there and the Japanese on this tanker were firing on the Americans as they left the water and ran up the beach. Rose attempted to reach shore, but these Japanese soldiers saw him and kept him cornered on a small coral reef by machine gun fire. As darkness approached, a small Japanese boat took him off the reef and the boat then proceeded to a Japanese freighter in the bay. As soon as Rose was hauled into the boat his hands were tied behind his back, but at the time of such tying, Rose contracted his muscles in his wrist in such a manner that when he relaxed the muscles the ropes were loosened. There were about 30 other Americans in this boat, all tied in the same manner as Rose, and in addition to the ropes about their wrists, the prisoners were all tied together chain fashion by one rope.

As soon as Rose arrived on the boat he noticed that the Japanese officers had set up a machine gun on the fantail of the ship and apparently the Japanese were going to execute the American prisoners with this machine gun. After a bit of a discussion, however, it was decided to shoot these Americans one by one. The Japanese officer in charge of the execution was 2nd Lieutenant Hashimoto, called by the Americans "Little Caesar" (For full physical description see Affidavit of John J. Hashowski, Pfc., AIF 32109287). He was assisted by a Japanese Non-Commissioned officer by the name of Dongunse (phonetic spelling) and a Warrant Officer of the Japanese Navy.

The thirty men were lined up in a straight line facing the stern of the boat. The first man, 2nd Lieutenant Porter, a stockily built man, believed to be a member of the U.S. Signal Corps, was cut loose from the remainder of the prisoners and ordered to stand on the fantail of the ship still with his wrists tied behind him. The Japanese Warrant Officer then shot him in the back with a Japanese rifle and Porter dropped overboard.

Jimmy Smith, an enlisted man of the U.S. Medical Corps, was the next man in line. He was cut loose from the remainder of the prisoners, then directed to stand on the fantail of the ship. He was then shot in the back

U. S. A. vs MASAHARU HOSHINA (27)

PROSECUTION

DEFENSE

EXHIBIT NO. 364

RECEIVED 16 JUN 1946

[redacted]

[redacted]

[redacted]

In the matter of the hearing of [redacted] : Examination of witnesses at
Herbert S. Chaves, 37/c, USNRFC, and : Captain E. Stevens, MC,
surgeon other members of the : and others
Surgical Board of Officers at [redacted] :
Prison, Manila. :

[redacted]

Place of: [redacted] Prison, Bilibid Prison, Manila

Date: 2 Sep 1945

Members present: Captain James E. Duggins, JAGD, [redacted]
[redacted], and T. F. Dahlberg, Yeo 1/c USN

Recorder: Thurman D. Hobart, civilian stenographer, [redacted]
Stenotype Co., Lincoln Service Company, APO, Manila, Philip

The witness was duly sworn by Captain James E. Duggins, [redacted]

Questioned by: Lieut (jg) T. F. Dahlberg

Q. State your name, rank, service number, and permanent home address.

A. Herbert Ralph Chaves, 0/c, [redacted], 607 S. 8th, Emmet City, Kansas

Q. Have you recently been returned to the United States from internment

A. Yes, I returned to the United States 18 March 1945.

Q. Were you a prisoner of war?

A. Yes.

Q. At what places were you held and state the approximate dates?

A. I was held at [redacted] Bataan from 8 May 42 to 26 May 42, Bilibid Prison, Manila, 26 May 42 to 1 June 42, Davao, Mindanao, from 1 June 42 to 25 October 44; Bilibid, Manila, 25 October 44 to 10 December 44, Hospital Annex, formerly Fort Stotsenburg, 10 December 44 to 8 January 45, and Bilibid, Manila, 8 January 45 to 4 February 45.

Q. Are you familiar with the circumstances of the hosting of several americans at Bilibid Prison, Manila, on or about 26 May 1942?

A. Yes, I was one of the men hosted.

Q. State what you know of your own knowledge about that incident.

A. A group of about 500 American Soldiers and navy men were herded into a road in the old hospital building at Bilibid Prison, Manila, on 26 May 42. Soldiers in the Japanese army were guarding us and at about 1600 o'clock a

[redacted]

[redacted]

Japanese Guard, carrying a heavy loaded quirt, entered the room and wandered about among the Americans. Selecting a man, the guard would beat him over the head, face and neck with the quirt. The beatings were hard and caused bleeding. The guard walked about singling one out of the group for no apparent reason and beating them for several minutes. This went on all night. I was one of the men beaten with the quirt and it caused me to quickly lose consciousness. Some of the Americans were sitting and lying down. One Navy officer in this group, whom I didn't know by name, was stomped on and beaten with gun butts by some of the guards. He was beaten so badly he may have later died after I left Shihtsi June 1st. Other Americans in this group until knew about the beatings were Sergeant Earl Stewart of Omaha, Nebraska, Captain Jack Conniff, National Corps, Boulder, Colorado and USN Lloyd Burrell, National Air Corporation.

/s/ Gaylord R. Shores Jr.
/s/ Gaylord R. Shores, T/4

State of: Kansas
County of: Wyandotte } SS

I, Gaylord R. Shores, of lawful age, being duly sworn as oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Gaylord R. Shores Jr.
/s/ Gaylord R. Shores, T/4

Subscribed and sworn to before me this 12 day of May, 1945.

/s/ James E. Bergeron
/s/ James E. Bergeron, Captain
Investigating Officer

Auths 20, 7'Dvg
Dated: 11 May 1945

[redacted]

I, W. F. Reichert, Special Agent CIC, District #4, Seventh Service Command, Topeka, Kansas, certify that on 8 May 45 personally appeared before me Gaylord R. Shores, T/4, 6888268, and gave the foregoing answers to the several questions set forth that after his testimony had been transcribed, the said Gaylord R. Shores read the same and affixed his signature thereto in my presence.

/s/ W. F. Reichert
/s/ W. F. Reichert, Special Agent
District #4, 7th Service Command

Place: Rt. Dist #4, 7'Dvg, Topeka, Kn.

Dated: 16 May 1945

A CERTIFIED TRUE COPY:

[redacted]

U. S. A. vs [redacted]
Prosecution
Defense
Received 16 May 45

[redacted]

- 1 -

[redacted]

[redacted]

[redacted] but those who were too sick to move attended and participated where they lay. There was no help from the Japanese. The U. S. Army Medical corpsmen did what they could to help out they, they were short and it was a case of the sick helping the sick. They are fed on [redacted] in a ration of which was inadequate in every way and very unhealthy.

Q. What medical supplies were furnished by the Japanese?

A. The Japanese give us a little Aspirin and Atabrine for dysentery, which when they give us an attack is all.

Q. Did any of the prisoners have their own medicines when they were captured, if so, were they permitted to use it?

A. I am, some of us had medicine and other medical supplies which we had managed when the Japanese took Wake Island and brought them to Cabanatuan but the Japanese confiscated all of it as soon were into camp where we were.

Q. Did any more did the Japanese mistreatment take methods and medical supplies?

A. The only other we received as were required to buy our own at our canteen from the Japanese. The Japanese they permanent camp Commander here did promptly supplied each man's property. All medical supplies were taken away from us.

Q. Did you personally have any taken from you, and if so, what?

A. The Japs on many occasions took from us about 200 pieces of clothing, a pair of blankets, and I pair of shoes we were the all I had.

Q. Did you ever have to use your knee bone against one of

A. Yes, all around us. One time, Army Corporal who had been in charge of us at Wake Island and then all quartered in the same room with us, he had brought a high School C which with his personal additions. I knew the Japanese take all of this from him. They both fighting for it.

Q. What type and quantity of food was furnished to you and the other prisoners as Cabanatuan hospital during this period

A. We received a cooked meal per, consisting of 1/2 cup rice at noon and night meal, with nothing else added to it each daily and about 1/2 of 1 pound per week we received about 1/2 carabao a ox of which gives only cuts of carabao legs and stinking tripe. This was all we had from any source. We had no way of supplementing this diet.

Q. What Japanese officer was responsible for these conditions and treatment?

A. The Japanese medical officer in charge was a man they referred to as "Doc a Sugi". He knew the conditions as I saw him walk through the wards & we & Cabs during the period. I would say he was responsible.

Q. Do you have the name of other men who were present at the same time and were acquainted to these conditions and would testify to them?

A. Yes. She was referred to as Letter from Major Forrest A. Gilbert, Medical Corps, Commanding officer of Cabanatuan Hospital, dated 2 September 1 945, addressed to the Surgeon General, subject "Commendation."

/s/ [redacted]
/s/ [redacted]

[redacted]

and Hiro, but those who were low with Yo were executed and interrogated where they lay. Where did we take them from Japanese? Yes S, we took guns and weapons did what they could to take out many, many, were given out to who a week at the club helping the club. They can help to be a public of their own responsibility to their work and civic activities.

Q. Such cultural societies were furnished by the Japanese?

A. The Japanese gave us a little divergence but Mizuho for example, organized their time to us activities as well.

Q. Did any of the prisoners have their own activities, and if so, were they permitted to use it?

A. If any some of us had activities and other cultural societies which the had arranged since the beginning as little Nagata and brought with us, but the Japanese confiscated all of it so they were left with nothing.

Q. How and when did the Japanese confiscate said activities and cultural societies?

A. The day after we arrived we were ordered to lay out all of our belongings for inspection. The Japanese took possession such things as and all valuable articles and money. All contents entered this room away from us.

Q. Did you personally have some taken from you, and if so, what?

A. Yes, all except yes. The S.S. Army Hospital who had been in charge of the at Little Tokyo was also not surprised by the same room to be the. He had brought a fine jacket I think with all bright emblems. I saw the Japanese take all of this from him. They left him nothing but his

Q. What type and quantity of food was furnished to you and the other prisoners at Mizuho internal during this period?

A. We received a cooked meal day, consisting of 1/5 cup rice and cup of vegetables, with nothing else added so it was really not about 1/2 or 3 times as much as received there 1/5 ounces 6 oz of watery gruel made with of meat, tops and tangerine leaves. This was all we had from any source, we had no way of supplementing this diet.

Q. What Japanese officer was responsible for these conditions and maltreatment

A. The Japanese medical officer in charge and I was they referred to as "the A Sugi". He knew the conditions as I saw him with enough the ration 3 or 4 times during the period. I would say he was responsible.

Q. Do you have the names of other men who were present at the same time and were witnesses to these conditions and would testify to them?

A. Yes, the unit referred to as letter from to Dr Harold A. Tilden, United States, Commanding Officer of Station Hospital, dated 4 February 1 945, addressed to the Surgeon General, subject "[redacted]."

/s/ [redacted]
/s/ [redacted], U.S., 25 May

[redacted]

STATE OF [redacted] }
CITY & COUNTY OF [redacted] } ss

I, [redacted], of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ [redacted]

Subscribed and sworn to before me this 20 day of June, 1945.

/s/ [redacted]
/s/ [redacted], Captain, Inf., Summary Court & Officer detailed to conduct this Formal Investigation

AFFIDAVIT

I, [redacted], Agent SIS, certify that on 4 June, 1945, personally appeared before me [redacted], and gave the foregoing answers to the several questions and further that after his testimony had been transcribed, the said [redacted] read the same and affixed his signature hereto in my presence.

Place: Denver, Colorado
Date: 20 June, 1945

/s/ [redacted]
Signature

[redacted]

A [redacted]

/s/ [redacted]

[redacted]
U. S. A. vs [redacted]
Prosecution
Defense
Received [redacted]
Exhibit No. 366

RESTRICTED

867

CIC
To Post Master
San Francisco, California

AFFIDAVIT

I, R. T. WHITNEY, being duly sworn do hereby stated declare that a Lt. Hood U. S. Army who was in same cell with me took a shower at the wrong hour that is after curfew he was beaten by four Japanese soldiers with clubs until he fell with his head cut wide open and several stitches had to be taken to close the wound. This was at Bilibid in month of June 1942.

/s/ R. T. Whitney
1st Comdr, U. S. Navy

Subscribed and sworn to before me this 11 day of March 1945.

/s/ Thomas B. Patricia
1st Lt. Inf.
Hq. Off. 449 CIC Det.

A CERTIFIED TRUE COPY:

John L. McCahan
Capt JAGD

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
RECEIVED 1 Oct 1946
EXHIBIT NO. 867

RESTRICTED

[redacted]

For the War Crimes Office

Judge Advocate General's Department — War Department

United States of America

In the matter of Facilities of the U.S. military prisoners by Japanese Forces, 20 Oct. 1941, Philippine Islands, 7 Dec. 1941.	Perpetuation of Testimony of Dr. J. Overholt, [illegible], Colorado.

Place: Ft. Fletcher General Hospital, Denver, Colorado.

Date: 27 April 1945

In the Presence of: Robert G. Miller, Agent, CID, Denver, Colorado, and Harley F. Dagon, Agent, CID, Denver, Colorado.

Interrogation and transcription accomplished by: Harley F. Dagon, Agent, CID, Denver, Colorado.

Q. State your name, rank, serial number and permanent home address.

A. My name is Jack A. Overholt, and I am presently a member of the United States Army Medical Corps, holding the rank of Major. My serial number is 0-[illegible], and my permanent home address is 1133 4th Street, Boulder, Colorado.

Q. Please state your date and place of birth, education, professional qualifications, and the time, place, and character of your army service.

A. I am a born December 23, 1911 at Ft. Collins, Colorado. During the approximate period 1931 through 1934, I received 3 years of pre-medical education at the University of Colorado, Barred Law for 4 years during the approximate period 1930 through 1938, I received 4 years of education in medicine at the University of Colorado School of Medicine, receiving a medical degree from such institution. From July, 1938 through July, 1940, I served as an internee at City Hospital in New York City. From approximately July, 1940 until January 27, 1941, I was idle, awaiting a commission in the United States Army Medical Corps. As a 1st Lieutenant, from approximately January 27, 1941 until April 15, 1941, I served as a Ward Surgeon, U. S. Army Medical Corps, at Fitzsimmons General Hospital, Denver, Colorado. On May 5, 1941, I arrived at Sternberg General Hospital at Manila, Philippine Islands, and from such date to December 26, 1941, as a member of the United States Army Medical Corps, was assistant attending surgeon at such installation. On 26 December 1941, at the time of the Japanese invasion of the Philippines, I was transferred from such installation and assigned to No. 1 General Hospital, Batuan, Philippine Islands, as a ward surgeon, U. S. Army Medical Corps, at No. 2 General Hospital, Batuan, Philippine Islands, and was serving in such capacity on April 9, 1942, when such hospital was captured by the Japanese. Thereafter, I served as a ward surgeon in Hospitals at our four Japanese prison camps in the Philippines until my liberation by United States Army troops on or about 4 February 1945.

Q. You have indicated that you resided in Japanese prison camps in the Philippine Islands. Would you please give the dates and places of such residence?

[redacted]

A. From April 9, 1942, through on or about February 4, 1945, as a captured member of the United States Army, I was a prisoner of war of the Japanese. From April 9, 1942 through on or about May 10, 1942, I was continuously a resident of the Japanese prisoner of war camp at No. 2 General Hospital, Bataan, Philippine Islands, serving as ward surgeon for the prisoners. For about 10 days in May, 1942, I was a resident of a Japanese prisoner of war camp at No. 1 General Hospital, Bataan, Philippine Islands. From on or about May 10, 1942, to on or about May 30, 1942, I was a resident in a Japanese prisoner of war camp at Bilibid, Philippine Islands, serving as a ward surgeon for the prisoners. From on or about May 30, 1942, continuously until October 13, 1944, I was a prisoner resident of the Mukaddam Camp No. 1, Philippine Islands, serving as ward surgeon for the prisoners. From October 13, 1944, continuously to the middle of November, 1944, I was a prisoner resident of the Japanese prison camp at Bilibid, Philippine Islands, but was not performing the routine medical duties. From the middle of November, 1944, continuously until the 3rd or 4th of January, 1945, I was a prisoner resident of the Japanese prison camp at Fort McKinley, Philippine Islands, operated by the Japanese as the Sakura Prison Camp. At said location I served as ward surgeon for the prisoners. From January 3 or 4, 1945, continuously until February 4, 1945, I was a prisoner resident of the Japanese prison camp at Bilibid, Philippine Islands, and served as ward surgeon for the prisoners.

Q. How recently have you returned to the United States from the Philippines?

A. I arrived at Letterman General Hospital, San Francisco, California, on March 15, 1945.

Q. You have stated that from May 30, 1942 through on or about May 10, 1945, you were a prisoner at the Japanese prison camp at Bilibid, Philippine Islands. Did you observe any mistreatment of U. S. citizens at such installation?

A. Yes. Hospital and staff personnel including myself, were moved from No. 1 General Hospital, Bataan, to the Bilibid Prison Camp on or about April 30, 1942. We were all moved in trucks. On arrival, we were lined up for inspection by a group of Japanese soldiers who were not giving us. The Japanese soldier who was in charge of that particular group of which I was a member, and many fellows who are enlisted men, in my presence struck several of the prisoners who were U. S. soldiers, in the face with a split bamboo and pommel whatsoever. I was one of the person struck, and I did not consider any act which might provoke such action. To the best of my knowledge, Japanese officers must have sharpened such instruments.

Q. Did you observe any other instances at Bilibid prison camp during the period of approximately 4 days which you have above listed?

A. Yes; On the day of our arrival, I personally witnessed the striking of Col. Gillespie, U.S.A. soldier who was in command of our detachment, by the guard at the entrance at the camp at Bilibid. The Japanese guard struck Colonel Gillespie in the head with his fist without provocation when Col. Gillespie was inquiring about the responsibilities for prisoner personnel. In addition, during the four days under discussion, I observed the method of beating up several U. S. Bilibid prisoners, and such was reported to me that they had been beaten.

Q. Can you recall any other instances of mistreatment at Bilibid during the period under discussion?

A. Yes. At Bilibid, and at all other installations where I was a prisoner, all prisoners were instructed to salute all Japanese guard personnel if covered, and to bow to all Japanese guard personnel if uncovered, regardless of any difference in military rank between the giver and the recipient of the salute or bow. I cannot recall how the Japa-

U. S. vs. [illegible]
Proceedings in
Defendant Docket No. 366
Filed [illegible]

-3-

[redacted]

[redacted]

[redacted]

[illegible]

[illegible]

[illegible]

4. Will you state all facts in detail pertaining to electrics, war gardens, variations of rates of land taxes and bonds issued at Camp O'Donnell, P.I., the dates thereof, the perpetrators, giving (Camp or prison place)
their names, ranks, units and other identifying information.

A. On about 10 April 42, the Japanese took about 300 men, including me, mainly engineers with a few from the Ninth AA, to a small town on the west coast somewhere near San Fernando in Luzon where we were split into two groups; 150 in one and fifty in the other. I was in the large group. We were sent up toward Aparri with the Jap combat soldiers. We estimated about 100 km from Manila because the roads and bridges were destroyed. We were forced to carry the supplies, their small field pieces, ammunition, and even their field packs. We marched this all the way to Aparri, then we got there the combat troops went on and we were kept there helping in supplies for about six weeks. Men were forced to carry loads up to 200 pounds. On one occasion #39 Shafer, Ky 34 1924 Sage Sq, and myself were forced to carry a cache of mines for seven kilometers. The mines weighed over 200 pounds. We had to build a stream, I think it was the Aparri, and we couldn't get it up the opposite bank. The Jap guard kept hacking us to make us go on but we couldn't make it stand. Buddy Lipscomber helped us out. From the start all the way to Aparri Mr Lucas knew the guard kept hacking us with his stick. The guard a 2 star private.

[redacted]

1948.

[redacted]

/s/ Ord

[redacted]

Q. [illegible] you state all facts in detail pertaining to circumstances under which you obtained [illegible] photographs, pictures of [illegible] documents or [illegible] the following material, temperatures, giving [illegible] place or other place] location, [illegible], route and other identifying information.

(cont)

A. were forced to walk right along with us. They were Capt Reynolds, 503d Regt. (now I believe he is dead), Capt Thomas, 503d Regt, and 1st Lt Griffith, 503d Regt.

I have pictures that a Jap paper printed in English which shows the group I was with carrying the supplies. The caption under one of them says we were captured in the hills but that is a lie because we were all captured on Bataan.

Q. I hand you this piece of newspaper marked exhibit "A" and ask you what it is.

A. It is part of a newspaper I got hold of in July of 1942.

Q. What do the pictures show?

A. It shows my group with the Jap combat soldiers crossing the Bataan River. The second shot shows me listening to Col Griffith who was read out by the Japs he talk to us. The third shot shows us with the Jap medical soldiers making a mountain.

Q. Do you know what paper this was from?

A. It is from a Japanese paper printed in English which name I do not recall

/s/ a Dennis O. Fox

[redacted] subscribed and sworn to before me this 11th day of September 1945.

/s/ Charles O. Thornton
Capt, TC
Investigating Officer
War Crimes Investigating Detachment

A CERTIFIED TRUE COPY

Wilfred L. Hamilton
1st Lt

[redacted]

U. S. A. vs [redacted]
PROSECUTION
DEFENSE

EXHIBIT No. 369
Identified & received in evidence

SOLDIERS SCALE MONTOC PRECIPICES

CONFIDENTIAL

[redacted]

was shot and, but a Japanese private found a slip from a pad and brought it over to me. He said that Americans were killing Japanese soldiers and sleeping on in the nude. That night the Japanese placed on the wood Japanese soldiers who had been killed and laid them together. They cut off the right ears of the seven, took their hearts out and burned the bodies and heads. They then buried the corpses. One Filipino who was a prisoner of war with us stayed at the cemetery and the Japanese stuck pieces of him. We were scared but we stayed and the Japanese did nothing to us. After the fight, we knew that the Japanese soldiers were looking for guerrillas.

On 29 April 1945, when we were on the trail with our usual load of Japanese, we ran into another guerrilla attack. Pvts Wise, during the attack, the Japanese officer in charge of the party told us that an American patrol of war had been shot and told us to go get him. We did and found Private Bloom lying unconscious but alive. He had been shot six times in the leg, once in the abdomen and twice in the upper legs. Private Wise from Texas also had been hit but had only slight wounds in the head. We carried Bloom to a place to safety and laid him on the ground. We did an inventory and the Japanese did not give him any medical attention. We removed him with a blanket when the Japanese ordered us to continue the march. We ran until about what we left him, but after we had gone about one hundred yards by the trail, I heard a pistol shot. I looked back and saw a Japanese officer, he was ordered to proceed but I do not know his name or rank, coming up the trail with a pistol in his hand. The Japanese officer was laughing and flashing his pistol around. He made signs of shooting us down if we refused. We knew that Bloom had just been killed. I never saw Private Bloom after that so I feel sure that he was killed. The guerrillas later utilized us as a pack and told us to leave our shirts off so that would show the American prisoners of war and think were Japanese soldiers. From that we felt sure that they had found Private Bloom's body. We were very thirsty all the Japanese made us put them back on. I think they got what they wanted that the guerrillas held us.

The next day 30 April 1945, we resumed marching about ten o'clock at about 2:30 we ran into another guerrilla ambush. Pvt Private Blanchard, Private Alberto Ramirez, and a prisoner we called Nightmare, were carrying a wounded Japanese soldier on a stretcher when the attack started. Private Blanchard was hit in the back. We dropped the Japanese soldier and called Private Eddie Trejo to help us carry Private Blanchard. We took him over to a place of safety. A Japanese officer came up and told us to get the wounded Japanese soldier we had dropped on the trail. While carrying him back, a guerrilla bullet just missed "Nightmare" and hit the Japanese on the stretcher in the arm and went on through his body. He died some after. After words, the Japanese told us to carry the dead Japanese soldier on the stretcher back down the trail to the place where they were camped. We asked Private Wise to see if Private Blanchard was still alive. He came back and told us that Blanchard was dead. The next day we continued up the trail. I never

did see Private Goodsworth again.

8. (a) Do you know the names of any of the other Canadians?

(A) No.

(Q) Do you have any other information concerning this incident?

(A) No.

/s/ [redacted]
/w [redacted]
[redacted] Sask.
[redacted]

[redacted]

[redacted]

I, Robert A. Rowe, Agent, Security Intelligence Corps, Eighth Service Command, certify that duties herein, designated, are SECRETAL, personally appointed orders as on 20 August 1945, and hereafter concerning said matters; and that the foregoing is an absolute transcription of the answers given by him to the several questions set forth.

/s/ Robert A. Rowe
/s/ [redacted]
Agent, Security Intelligence Corps
Eighth Service Command

Place: Albuquerque, New Mexico

Date: 28 September 1945

* *

State of New Mexico
County of Bernalillo } ss

I, Julian Lucero, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, in four pages, and all answers contained therein are true to the best of my knowledge and belief.

/s/ Julian Lucero
/s/ [redacted], 1st
Sgt. Inf., 503rd CA (AA) Bn

Subscribed and sworn to before me this 28 day of September 1945.

/s/ A. M. Campbell

5

RESTRICTED

U. S. A. vs MASAHARU HOMMA
Prosecution
Defense Exhibit No. 320
Received 16 Jan 46

[illegible]

[illegible]

[illegible]

[redacted]

[redacted]

[redacted]

[redacted]

N
SAN MIGUEL
CALLE
MENDOZA
GARDA STREET
ARELLANO COLLEGE
CALLE

[redacted]

[redacted] aged 6, [redacted], after having been duly sworn, testified as follows: Queens Road, San Francisco Apt Route, Queens City, P. I., on 9 January 1948, as follows:

Q. Please state your name, age, civil status and address.
A. Felipe [redacted], 28 years old, married and at present residing at 840 Quezon Road, San Francisco Apt Route, Queens City, P. I.

Q. What is your husband's name?
A. Jose Mr. [redacted].

Q. What is your nationality?
A. Filipino.

Q. Where were you residing in July, 1942?
A. I was residing with my family at [redacted] Avenue, Hampton, Manila until September 28, 1944.

Q. Do you remember of any particular and unusual incident during the month of July, 1942.
A. Yes, I saw an atrocity perpetrated by the Japanese garrison of San Pedro College.

Q. Can you relate briefly the atrocity you saw?
A. The only atrocity that I personally witnessed happened around 4:00 P.M., about the third week of July, 1942. I saw from the window of our kitchen at the second floor, some 30 meters east of the right side front corner of San Pedro College grounds facing Caridad Street, one Filipino victim digging a pit for whom was used as [redacted], suddenly, he ran towards the stairs entering the small river in an attempt to escape, but he was caught by some 3 Japanese soldiers who tied his hands. I saw six ten feet more held by a cable about a yard long. He was dragged near the pit and there struck by the butts of the Japanese rifles in all parts of his body. They almost finished him up until he could no longer stand. The Japanese soldiers continued digging the pit about 6 feet long and then the victim was pushed into the pit. I could clearly see the victim who raised his tied hands every now and then crossing, "Sabeseria ga nagya ang" (meaning, please forgive me), until the Japanese soldiers were filling the pit up with earth. His cry was only heard for some time, little by little diminishing as the pit was being covered with earth. He was buried alive. It was almost dark when the soldiers started at the Japanese Civil Assistants the pit.

Q. How many Japanese officers and enlisted men were present during this atrocity?
A. There were 3 officers and 8 enlisted men.

Q. Do you know the name of any of the 3 Japanese officers that you have
A. No.

Q. Can you identify any of them by their personal description?
A. No.

Q. Do you know the name of any of the 8 Japanese enlisted?
A. No.

Q. Can you identify any of them by their personal description?
A. No.

[redacted]

/s/ F. G. C.

AFFIDAVIT

[illegible] OF THE APPLICATION

vs.

[illegible] GIST

I, Applicant in the Estate, residing at the [illegible] County, Dublin, P. F., being duly sworn on oath, depose that I truly state the contents and matters given from [illegible] Figures in Figures respectively, and that after [illegible] have furnished the Complete Application containing the [illegible] the statement that the affixed Signature is my [illegible] Petition thereto.

(S) [illegible]
(S) [illegible]

Sworn and sworn to before me this [illegible] day of [illegible]

(S) [illegible]
(S) [illegible]
Commissioning Officer, for Grand
Investigating Tribunal

RESPONSE

We, John J. Donaldson, Esq. Jr., Counsel, Columbia PA and Robert H. Stevens, Esq. Jr., Counsel, Columbia, PA, certify that on this day of January, 1966, personally appeared before us Gilbert J. Johnson and attached to Applicant in the Estate upon the foregoing Petition the several signatures and marks thereto, that after the statements and marks thereto, the said Affiant [illegible] and that [illegible] Interpreter the said and affixed the signatures thereto in our presence.

Sworn to by, J. J.

(S) John J. Donaldson
(S) Robert H. Stevens, Esq. Jr.,
Commissioning Officer, for Grand
Investigating Tribunal

[illegible] January 1966.

(S) Gilbert J. Johnson
(S) Robert H. Stevens, Esq. Jr., Counsel
Commissioning Officer, for Grand
Investigating Tribunal

A CERTIFIED TRUE COPY

U. S. A. vs. RICHARD NIXON
Prosecution
Exhibit No. 2463
Received JAN 3 1974

[illegible]

[redacted]

Mrs. [redacted], after having been duly sworn, testified at 410 Quezon Road, San Francisco del Monte, Quezon City, P. I., on 3 January 1946, as follows:

Q Please state your full name, age and civil status.
A Carmencita G. [redacted], 28 years old, married.

Q What is your husband's name?
A Francisco [redacted].

Q What is your nationality?
A Filipino.

Q Where is your present address?
A 410 Quezon Road, San Francisco del Monte, Quezon City.

Q Do you intend to move from your present address, and if so, how can your address in the future be ascertained?
A I think we will stay here for some time.

Q What is your occupation?
A Housewife.

Q Where were you at the outbreak of the war?
A We were in our house in San Juan. Until then about December 31, 1941, we moved to my mother-in-law's place at [redacted] Santibañez Street, Singalong, Manila.

Q Did you stay there during the months following the occupation of the Japanese forces in Manila?
A Yes, we stayed there until September, 1944.

Q Do you know if San Beda College was ever occupied by Japanese soldiers?
A It was occupied since January, 1942.

Q How do you know this?
A Because we were living just across the San [redacted] grounds.

Q Do you know of any atrocities committed by Japanese officers and soldiers in San Beda College?
A I have seen only two different atrocities out of the many others I heard from my in-laws.

Q Will you relate in your own words when, where and what atrocities you have personally witnessed?
A The first one I saw was about 9:00 o'clock in the morning, in the first week of July, 1945, when upon waking up, we heard some noise coming from the San Beda grounds, just back of where many from our place. Our dining room was just across the San Beda football grounds. I saw Japanese officers and soldiers brandishing their sabers. There were about 15 Filipino civilian males on the ground two meters away from each other and flanked by two Japanese police each. There were two lines of Filipino laborers as if there is already what was to take place. Around all these was a circle of Japanese soldiers watching. After all their preparations, it was about 9:30 o'clock, a Japanese officer, accompanied by an interpreter, approached each victim with questions to read from a paper he was carrying. The Filipino victim who would not exert guilt received a slap on his face, or struck with the soldier's sheathed saber on any part of his body, especially the head and the side. Often, I saw that after continuous beating, the victim would fall on the ground saying his surrender

/s/ C.G.M.

with pain, while the Japanese soldiers laughed gleefully. The victims were made to look straight at the sun. At about 11:30 o'clock, the victims were taken away from the football ground.

Q Around how many Japanese officers and enlisted men were in this particular incident?
A For every Filipino victim, there were two Japanese guards that had him. There were about 10 of the officers around the victims, but there was only one officer going around questioning them and reporting to the higher officer.

Q Do you know the names of the Japanese officers and enlisted men who participated in this assault?
A No.

Q Can you give a personal description of the Japanese officers and enlisted men who composed of this incident?
A No.

Q Do you know the name of any of the victims?
A No.

Q Can you give a personal description of any of the victims?
A No, all I know is that they were Filipinos and they were "Negritos" (Aeta race), about 40 more victims, but they were all dirty.

Q Do you presume that the victims were laborers of the Nabo College?
A According to what people did were strangers to me, the victims were laborers from other labor camps but always take it that they were laborers from the Nabo College.

Q Do you know of any one who could identify the victims as prisoners here?
A No.

Q What other atrocities are you related?
A My sister-in-law, Milagros ESTACIO, told me there were about 3 Filipinos who saw at the gate looking to the football grounds and the other 2 Filipinos were on the eastern side of the College. She had those 5 Filipinos/Aetas while on her way to the San Jose Church. They were all held in stock, a device consisting of pieces of wood with holes exactly fitting the necks and wrists of the victims, and designed for the purpose by he look at. When she passed by, those men were crying for water. I passed through the middle of the house and I saw those 5 Filipinos were held in stock at the gate looking to the football grounds which could be clearly seen from our place. I actually saw at 12:30 o'clock at noon from the window of my house, about the last week of July, 1942, that canvas were being thrown at the three Filipino victims by some 10 Japanese officers and about four groups of Japanese soldiers of about 3 or 4 enlisted men in each group. The three Filipinos were being burned with cigarette butts on the hands and arms and they were also being slapped by these Japanese. They were held there until the afternoon about 5:00 o'clock. I heard from passers-by that some of them were released the next day.

Q How many days were they held there?
A Just that day, I saw them.

Q Do you know the names of these 5 Filipinos held in stock?
A No.

Q Can you give a personal description of any of these Filipino victims?

/s/ C.C.C. [redacted]

with pain, while the Japanese soldiers laughed gleefully. The victims were made to lie straight on the sun. At about 11:00 o'clock, the victims were taken away from the football ground.

Q. About how many Japanese officers and soldiers are there in this particular incident?
A. For every Filipino victim, there were two Japanese guards more or less. There were about 10 of the officers around the victims, but there was only one officer going around overlooking them and reporting to the higher officer.

Q. Do you know the names of the Japanese officers and soldiers who participated in this atrocity?
A. No.

Q. Can you give a personal description of the Japanese officers and soldiers who for purposes of identification?
A. No.

Q. Do you know the name of any of the victims?
A. No.

Q. Can you give a personal description of any of the victims?
A. No, all I know is that they were Filipinos and they were wearing (illegible), khaki or white clothes, but they were all dirty.

Q. Do you presume that the victims were laborers of San Pedro College?
A. According to some people who were strangers to me, the victims were laborers from other labor camps but others said as they were laborers from San Pedro College.

Q. Do you know of any one who could identify the victims or perpetrators?
A. No.

Q. What other procedure was followed?
A. By station-to-line, Filagrue [illegible], held as there were about 5 Filipinos who was on the gate leading to the football grounds and the other 3 Filipinos were on the opposite side of the College. She saw those 5 Filipino victims while on her way to the San Pedro Church. They were all held in stock, a series consisting of pieces of wood with holes evenly fitting the necks and wrists of the victims, and displayed for the passers-by to look at. When she passed by, those men were crying for water. I passed through the window of our house and I saw those 5 Filipinos were held in stock at the gate leading to the football grounds which could be directly seen from our place. I actually saw at 12:00 o'clock at noon from the window of our house, about the last week of July, 1942, that shouts were being thrown at the three Filipino victims by some 10 Japanese officers and about four groups of Japanese soldiers of about 2 or 3 soldiers one in each group. The three Filipinos were being burned with cigarette butts on the hands and arms and they were also being slapped by these Japanese. They were held there until the afternoon about 5:00 o'clock. I heard from passers-by that some of them were released the next day.

Q. How many days were they held there?
A. Just that day, I saw them.

Q. Do you know the names of these 5 Filipinos held in stock?
A. No.

Q. Can you give a personal description of any of these Filipino victims?

/s/ G.G.L. RECORDED

A Yes.

Q Do you know of any person who can identify these statues?
A No.

Q Can you give the names of any of the 10 Japanese officers present during the torture?
A No.

Q Can you give a personal description of these Japanese officers?
A No.

Q What are the names of the Japanese soldiers who participate in said torture?
A I do not know.

Q Can you give a personal description of any one of them?
A No.

Q Showing you this sketch which, for purposes of identification, is marked Exhibit "A", can you tell me what it is?
A The sketch is a diagram of the San Jose College and its premises showing particularly the college playground where I saw ten (10) Filipinos being tortured between the college building and the latrine. It also indicates the right front gate leading to the San Jose Football grounds where I saw 3 Filipinos held in stock.

Q Do you have anything further to add to your statement?
A No more.

/s/ Carmencita O. Delgado
/s/ (Mrs.) CARMENCITA O. DELGADO

CITY OF MANILA)
) ss
PHILIPPINES)

I, CARMENCITA O. DELGADO, being duly sworn on oath, state that I have read and understood the foregoing transcription of my interrogation and all answers contained therein, consisting of three (3) pages, are true to the best of my knowledge and belief.

/s/ Carmencita O. Delgado
/s/ (Mrs.) CARMENCITA O. DELGADO

Subscribed and sworn to before me this 11th day of January, 1946.

/s/ Jose S. Bacalzo
/s/ JOSE S. BACALZO, 2nd Lt., INFANTRY
Investigating Officer, War Crimes
Investigating Detachment

A No.

Q Do you know of any person who can identify these victims?
A No.

Q Can you give the names of any of the 10 Japanese officers present during the torture?
A No.

Q Can you give a personal description of these Japanese officers?
A No.

Q What are the names of the Japanese soldiers who participated in this torture?
A I do not know.

Q Can you give a personal description of any one of them?
A No.

Q Showing you this sketch which, for purposes of identification, is marked Exhibit "A", can you tell us what it is?
A The sketch is a diagram of the San Juan College and its premises showing particularly the college playground where I saw the 10 Filipinos being tortured between the college building and our house. It also indicates the right front gate leading to the San Juan Football grounds where I saw 3 Filipinos held in stock.

Q Do you have anything further to add to your statement?
A No more.

/s/ Carmencita C. Dellano
/t/ (Mrs.) CARMENCITA C. DELLANO

CITY OF MANILA)
) SS
CITY OF MANILA)

I, CARMENCITA C. DELLANO, being duly sworn on oath, state that I have read and understood the foregoing transcription of my interrogation and all answers contained therein, consisting of three (3) pages, are true to the best of my knowledge and belief.

/s/ Carmencita C. Dellano
/t/ (Mrs.) CARMENCITA C. DELLANO

Subscribed and sworn to before me this 11th day of January, 1946.

/s/ Jose S. Magalindan
/t/ JOSE S. MAGALINDAN, 2nd Lt., [illegible]
Investigating Officer, War Crimes
Investigating Detachment

[redacted]

[redacted]

We Jose A. Nazalinsky, 2nd Lieutenant, O-[redacted], Infantry, and Agustin B. Ramos, 2nd Lieutenant, O-[redacted], Infantry, certify that on 3rd day of January, 1946, personally appeared before us Mrs. Carmencita O. Delgado, and gave the foregoing answers to the several questions set forth; that after her testimony had been transcribed, the said Carmencita Delgado read the same and affixed her signature thereto in our presence.

Manila, P. I.

/s/ Jose A. Nazalinsky
/s/ Jose A. Nazalinsky, 2nd Lt., Infantry
Investigating Officer, War Crimes
Investigating Detachment

11th January 1946.

/s/ Agustin B. Ramos
/s/ Agustin B. Ramos, 2nd Lt., Infantry
Investigating Officer, War Crimes
Investigating Detachment

A CERTIFIED TRUE COPY:

U. S. A. vs MASAHARU HOUMA
Prosecution
Defense
Exhibit No. 374
Received 16 JAN 1946

[redacted]

[illegible]

[illegible]

[illegible]

MALACAÑAN PALACE
M A N I L A

BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER NO. 396

REORGANIZING AND GROUPING THE EXECUTIVE DEPARTMENTS OF THE GOVERNMENT

Pursuant to the authority conferred upon me by the Constitution and laws of the Philippines, the executive Departments of the Government are hereby reorganized and grouped as follows:

Office of the President

Department of Finance, Agriculture and Commerce

Department of National Defense, Public Works, Communications, and Labor

Department of Public Instruction, Health and Public Welfare

All the functions pertaining to the Department of Justice shall be performed by the Chief Justice of the Supreme Court.

Done at the City of Manila, this 24th day of December, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the seventh.

(SGD) MANUEL L. QUEZON

By the President:

(SGD) JOSEFA B. VARGAS
Secretary to the President

CERTIFIED TRUE COPY:

/s/ Rafaelo P. Cenzerno
/s/ [illegible]
Private Secretary to the President

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT No. 3/6
RECEIVED 12-7-46

377

March 17, 1948

My dear Chief Justice Vinson:

In addition to your duties as Chief Justice and acting Secretary of Finance, Agriculture and Commerce, I hereby designate you as my delegate with power to act on all matters of government which involve no change in the fundamental policies of my administration of which you are quite familiar. Where circumstances are such as to preclude previous consultation with me, you may act on urgent questions of local administration without my previous approval. In such cases, you are to use your own best judgment and sound discretion.

With reference to the government-owned corporations, you are also authorized to take such steps as will protect the interests of the government either by sanctioning, curtailing or terminating their operations as circumstances may warrant.

Sincerely yours,

(SGD.) HARRY S. TRUMAN

Chief Justice Jose Abad Santos
Negros Occidental

CERTIFIED TRUE COPY:

/s/ S. Canderyan
SERAFIN D. CANDERYAN
Private Secretary to the President

A CERTIFIED TRUE COPY:
John F. X. O'Rourke
Chief Judge, U.S. Supreme Court
Manila, [redacted]

U.S.A. vs MASAHARU HOMMA
PROSECUTION
Exhibit No. 577
Received 16 Jan 48

CONFIDENTIAL

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC
OFFICE OF THE THEATER JUDGE ADVOCATE
FOR CRIMES BRANCH

EXHIBIT A

Rear steps of Arnepta house, all that presently remains thereof, on Sacsa St., San Nicolas, Farmosa, Bisal, P. I., where 5 American prisoners of war were kept before being executed to death by Japanese soldiers of the Takasago Detail on 9 May 1942. The Arnepta house was burned by the Japanese as they evacuated Farmosa in February, 1945. This site is now within the bivouac area of the 112th R.C.T.

CERTIFICATE

We certify that the above photograph was taken in our presence on 2 October 1945, at Mapas Street, San Nicolas, Farmosa, Bisal, P. I., by Cpl. J. E. Vez Stephens, of the 42nd Headquarters Signal Photograph Detailed; that it accurately represents the rear steps of the Arnepta house as they appeared on that date.

/s/ Edward J. Dunleavy, Jr.
EDWARD J. DUNLEAVY, JR.
1st Lt., O.A.C.
Investigating Officer,
War Crimes Investigating
Detachment

EXHIBIT A

/s/ Ralph A. James
RALPH A. JAMES
2d Lt., C.M.P.
Investigating Officer,
War Crimes Investigating
Detachment

A CERTIFIED TRUE COPY:

_____

UNITED STATES vs MASANARU HONMA
P Prosecution
Defense
Exhibit No. 378
Received 1-23-46

RESTRICTED

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC
OFFICE OF THE THEATER WAR CRIMES OFFICER
WAR CRIMES BRANCH

EXHIBIT B

Eye-witness Eladio de Leon standing on the spot in the mango grove near Wawa St., San Dionisio, Parañaque, Rizal, P.I., where he saw 3 American prisoners of war bayoneted to death by Japanese soldiers of the Tokumaga Botai on the 7th of May, 1942. De Leon is pointing in the direction from which the Japanese made their bayonet rushes at the bound prisoners. This site is now within the Nichols compound of the 115th M.C.D.

CERTIFICATE

We certify that the above photograph was taken in our presence on 2 October 1945, at Wawa Street, San Dionisio, Parañaque, Rizal, P.I., by Cpl. J.S. Von Strolein, of the 832d Headquarters Signal Photograph Battalion; that it accurately represents the site of bayoneting of 3 American prisoners of war as it appeared on that date.

/s/ Edward J. Lanahan, Jr.
EDWARD J. LANAHAN, JR.
1st Lt., C.A.C.
Investigating Officer,
War Crimes Investigating
Detachment

A CERTIFIED TRUE COPY:

/s/ Ralph A. Jones
RALPH A. JONES
2d Lt., C.M.P.
War Crimes Investigating
Detachment

U. S. A. VS MASAHARU HOMMA
PROSECUTION
DEFENSE
EXHIBIT NO. EXHIBIT B 32
RECEIVED 1/15/1946

880
879

Site of the common grave of 8 American prisoners of war who were bayonetted to death by Japanese soldiers of the Kempeitai Butal in the mango grove near Nasag St., San Mateo, Marikina, Rizal, P.I. on the 9th of May, 1945. Pointing to the area comprising the grave--as indicated by a rectangular furrow on the surface of the ground--is Eladio de Leon, an eye-witness of the atrocity, who was also present at the disinterment of the victims' bodies by the 11th Airborne Division in February, 1946.-This site is now within the bivouac compound of the 511th A.C.S.

CERTIFICATE

We certify that the above photograph was taken in our presence on 2 October 1946, at Nasag Street, San Mateo, Marikina, Rizal, P.I., by Cpl. J.E. Von Strohaim, of the XXIst Headquarters Signal Photograph Battalion; that it accurately represents the site of the common grave of 8 American prisoners of war as it appeared on that date.

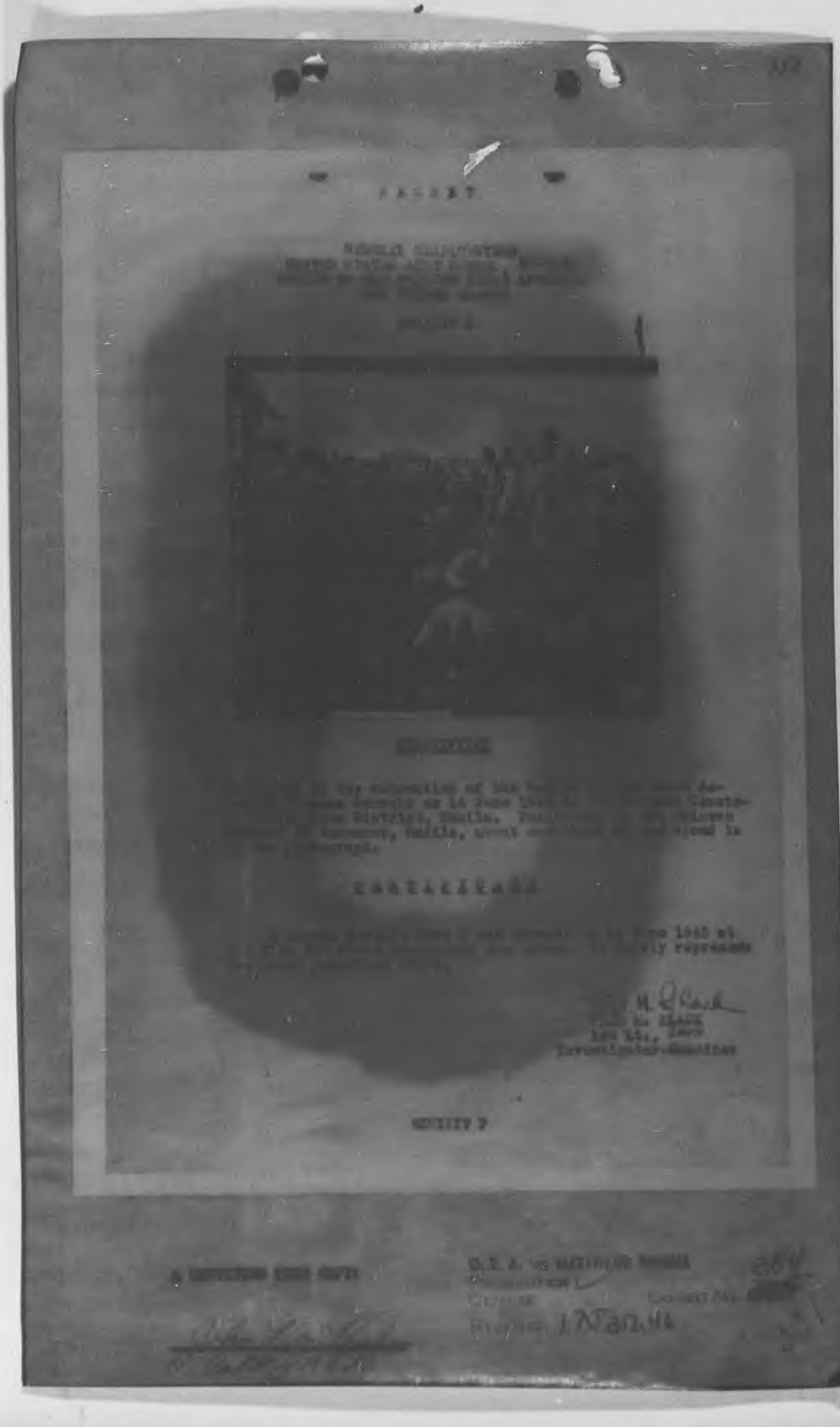
/s/ Edward J. Danahang, Jr.
EDWARD J. DANAHANG, Jr.
1st Lt., C.A.C.
Investigating Officer,
War Crimes Investigating
Detachment

A CERTIFIED TRUE COPY:

/s/ Ralph A. Jones
RALPH A. JONES
2d Lt., C.A.C.,
Investigating Officer,
War Crimes Investigating
Detachment

U. S. A. vs MASANARU HONMA
PROSECUTION
Exhibit No. 338
Identified 11 Dec 46

EXHIBIT C
RESTRICTED



SECRET

SECRET

U. S. A. vs. HERMANN GOERING

Prosecution

Defense

Received

Exhibit No. 3852

[redacted]

[redacted]

[redacted]

SECRET

EXHIBIT 1

U. S. A. vs
PROSECUTION
DEFENSE
RECEIVED

One of many such photos discovered, 16 June 1945.

SUBSISTENCE

I hereby certify that I was present on 16 June 1945 at the time the above photograph was taken. I further identify the person depicted above.

U.S.A. vs MASAHARU HOSHINA

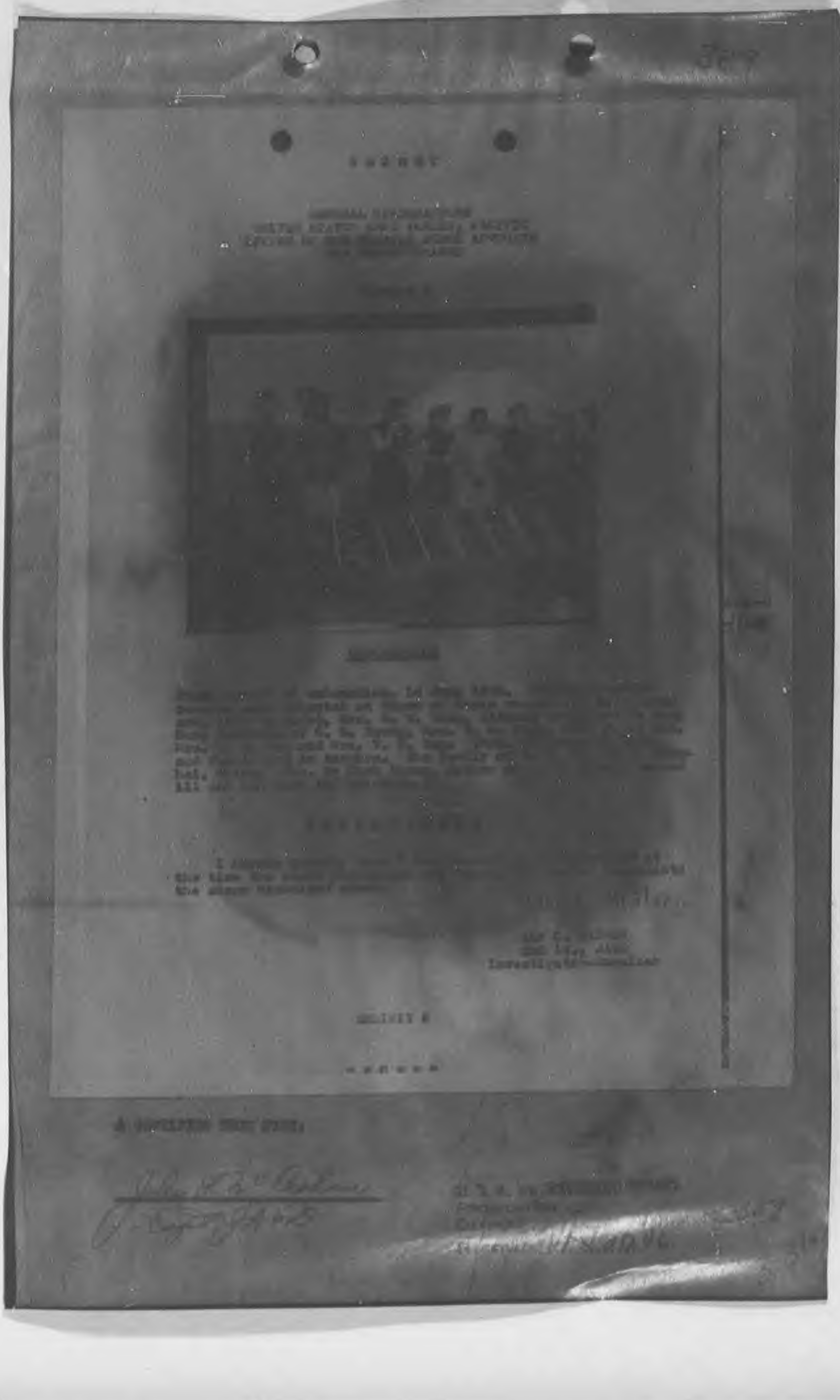


EXHIBIT 390 - NEGATIVES OF OUTSIDE [illegible]

(NOT OFFERED)

U.S.A. vs. [illegible]

Defendant

Exhibit No. [illegible]

Received [illegible]

R E C E I V E D

May Lo Koo, after having been duly sworn, testified as follows:

Q What is your full name?
A May Lo Koo.

Q What is your age?
A 41 years.

Q What is your nationality?
A Chinese.

Q What is your present address?
A Chinese Consul General, and Diplomatic, Manila, Philippines.

Q What is your religion?
A I have no religion.

Q Do you believe in God?
A Yes, I believe in God.

Q Are you the widow of K. Y. Koo?
A Yes.

Q How long were you married to K. Y. Koo?
A 18 years.

Q What was your husband's business?
A Chinese Consul at Manila.

Q When was he appointed Consul at Manila?
A 15 years ago.

Q Of what government was he Consul?
A The Chinese Republic.

Q Did you live with your husband in Manila during the time he was Consul for the Chinese Government?
A Yes, I lived with him during the last 15 years.

Q Do you know Dr. C. C. Young?
A Yes.

Q Who was Dr. C. C. Young?
A He was the Chinese Consul General of the Philippines.

Q Can you give us the names of the men who made up the Chinese Consulate in Manila?
A Yes, there were seven men. They were K. Y. Chu, he was the Vice-Consul of Manila; T. C. Tao, he was a member of the Staff; T. M. Diao, also a member of the Staff; C. C. Young, I think he was a student Consul; J. H. Lee, he was a Chancellor of the Consulate; and K. W. Wang, he was a student Consul. He was also the son of Dr. C. T. Wang, the former Chinese Ambassador to the United States and was a cabinet minister of President Chiang Kai Shek. Finally, there was my husband, Mr. K. Y. Koo. He was the Chinese Consul at Manila.

Q Have you a picture of these men?
A Yes, here is one showing six of them.

/S/ M. L. K.

-1-

R E C E I V E D

Q Do will call this picture entitle "A" beside from left to right in the bottom row, whose at [illegible] have just again appear in the picture?
A Mr. C. C. Young and Mr. K. T. Wang do not appear in the picture. But there are six more, Mr. T. C. Young, the Consul General, is No. 4; T. C. Lee is No. 5; T. C. Tan is No. 6; T. T. Liao is No. 8; T. T. Liao is No. 9; T. S. Lee is No. 11 and my husband, Mr. K. T. Wang, as No. 9.

Q Do you have a picture showing C. C. Young and T. C. Young?
A I have not.

Q For the information of this interview we will refer to the Chinese Consul General as Mr. Young and we will refer to your husband and the other six members of the Chinese community residing as the "Consulate Party". Is that understood?
A Yes, that is understood.

Q When the Japanese invaded Manila, where did Mr. Young and the Consulate Party go?
A On 3 January 1942 the Consulate Party and their families went to the Manila Hotel. Mr. Young and his family went to the Manila Hotel.

Q Did you accompany your husband to the Manila Hotel?
A Yes, myself and our two children, but it was [illegible]

Q How long did the Consulate Party stay at the Manila Hotel?
A One or two days.

Q Was your husband taken into custody by the Japanese while there?
A Yes, on the 6 of January 1942 by two Japanese.

Q Where did the Japanese take your husband?
A They took him to Filipino Hall at the University of the Philippines in Manila.

Q Did they take you with him?
A No.

Q Did they take anybody else?
A Yes, Mr. Young and all the rest of the Consulate Party.

Q When your husband was taken by the Japanese where were you living?
A We lived at No. 16 Arizona Hill, Santa Ana, Manila.

Q Where did the other six members of the Consulate Party live?
A Living in this same house in Santa Ana on 3 January 1942, was Mr. Lee, myself and our two children; Mr. T. C. Tan and also, his family was in Shanghai, China; Mr. T. T. Tan; his wife and one daughter, his wife and daughter are now living at 181 T. Espe Street, Santa Mesa, Manila; Mr. T. S. Liao, his wife and two children, the wife and children are now living there too, at 181 T. Espe, Santa Mesa; Mr. C. C. Young, no family; Mr. T. S. Lee, his wife and two children, his wife and children are now living at 410 Santa Cruzto, Manila; K. T. Wang and his wife. His wife now lives at 181 Iyan Street, Santa Mesa, Manila.

Q Were Dr. Young and his family living at the Manila Hotel on 6 January 1942?
A Yes.

Q Where is the family of Dr. Young now?
A Mrs. Young and the children are in the United States. Her address is: Care of Mrs Chinese Consulate, San Francisco, California.

Q Where was the Swiss Consulate located?
A It was in Ermita City, Greater Manila, but I do not know the actual address.

Q Did you hear any conversation when the Japanese took your husband away on 6 January 1942?
A When they took away my husband there was no conversation. They pointed the gun and told him to go out to them.

Q How many Japanese came for your husband?
A They surrounded the house. Five or six entered.

Q How did you learn where the Japanese were taking your husband?
A When they took my husband they told me they were taking him to the University of the Philippines and said to me to bring him food and clothing there.

Q When did you next see your husband?
A I saw him that same afternoon, 6 January 1942.

Q Where did you see him?
A In the Villamor Hall, University of the Philippines, Manila.

Q Were Dr. Young and the other six members of the Consulate Party with him?
A Yes.

Q How often did you see Consul Hot while he was at the University of the Philippines?
A I went to see him very often but not every day. However he was afraid to have me come too often.

Q How was he treated while at Villamor Hall?
A He appeared to be fairly well treated while there. He told me they treated him well at first, but at last not so good.

Q Were Dr. Young and the Consulate Party kept together in Villamor Hall?
A Yes. They were all kept in a small room. It used to be a practice music room of the University of the Philippines.

Q What were their accommodations?
A They slept on the floor until their families brought each a mattress. Dr. Young finally had a cot.

Q While your husband was at the University of the Philippines, did he ever discuss with you why the Japs were holding him or what they wanted?
A He told me almost nothing about what they wanted.

Q Were you allowed to talk to him alone?
A At first they let me talk to him alone, but later they si-

ways had occasion else twice. If we tried to go else- [illegible] where, they would point the bayonet at us.

Q What clothing did they wear?
A They wore their regular clothes, the clothes we brought to them. They had nothing except what their families brought.

Q How long did your husband, Dr. Young and the other members of the Consulate Party stay at the University of the Philippines?
A About two and a half months.

Q Where were they taken after that?
A They were taken to Fort Santiago, in the Intramuros, Manila.

Q Did you see them while they were at Fort Santiago?
A Yes, I saw them many times, but not as often as in the University of the Philippines. It was much harder to visit my husband at Fort Santiago than at the University of the Philippines. There were so many people to see.

Q Where was your husband kept at Fort Santiago?
A He was in a cell in the basement floor.

Q Did you talk to him when you visited him?
A Yes, I talked to him. We only were allowed to see and speak to each other. That was all they would allow them to have at Fort Santiago.

Q Did you see Dr. Young and the other six members of the Consulate Party there too?
A Yes, they were in the same very small room. They were sleeping on a cement floor. They had only water also [illegible] to sleep on.

Q Did your husband tell you why the Japanese were keeping them there?
A No, except he told me the Japanese had said that they were not recognizing them as duly authorized Consular that they were not recognizing the Government of China [illegible] that they were recognizing the Government of Wang Ching Wei, the Nanking Government.

Q What else did your husband tell you?
A Only really matters. But he did tell me that they were badly treated.

Q What bad treatment did he mention?
A There was not enough clothing and no proper food.

Q Did they beat or mistreat your husband?
A I think he did not tell me the truth, because he would not want to hurt my feelings. But one day I saw his face swollen [illegible]. He did not tell me why, but I knew he had been struck.

Q When was the last time you saw your husband?
A It was on 17 April 1942 at Fort Santiago.

Q Was Dr. Young and the rest of the Consulate Party with him at that time?

RESTRICTED

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A Yes. I refuse to tell you such as the [illegible]
as learned that will not be [illegible]
explain that they would be [illegible]
cause hostilities, and I [illegible]
be given there, as well as [illegible]

Q What and where is Pentagon?
A It is an [illegible] used in other countries, I know.

Q What time was it that you received your [illegible] on April
Continue on the 17th of April 1961?
A In the morning.

Q About what time?
A About 10 o'clock.

Q Did he tell you that he was [illegible]
A No, only on the [illegible].

Q What did you talk about on the [illegible]
A Just family matters.

Q Did you try to see your husband after the [illegible] in
April 1961?
A After I talked to my husband in the morning on the 17th
I went to see the Commander of the Military Police in
Fort Jackson. I do not know his name, he was a white
man of forties age. He told me that all the [illegible]
military of Mr. Young and of the Cubanos party would
not see their families before the following day, on the 18 of
April. That afternoon I told the other families that
they could come the next day. At about five I spoke
afternoon, I was informed by the Cubans [illegible] that
there would be no use for any of the families to go and
see their husbands on the 18th because they were to move
in Fort Jackson and they have been transferred to some
other place.

Q What is this Cubano Association of which you speak?
A I do not know. It was an association of Cuban people.

Q How did this message come to you?
A By telephone.

Q Do you know who it was you talked to on the telephone?
A No, I don't. I think it was a Mr. Jay Diaz Lang.

Q There is no one?
A He is not here now. I think he went to Cleveland, Ohio.

Q Do you know his address in Cleveland?
A No.

Q Did you ever go back to the Cubanos militaries at Fort
Jackson?
A Yes, in spite of this information, I went to Fort Jackson
the next day, 18 April 1961.

Q Did you go alone?
A No, I went with Mrs. Young, wife of the Cuban Country,
and with two [illegible] of the families.

Q To whom did you talk?

CLASSIFIED

A I did not see my husband at that time. I was Japanese soldiers, whose names I do not know, said that my husband was not there. He was far away and I would not see him. Then we insisted on seeing the Commanding Officer of the Japanese Military Police. He saw him, I do not know his name. I asked him where was my husband. The Commander answered like this: "They are not under our custody any more. They have been transferred to the Army". I went to different Military Chief, I do not know his rank either, in another building in Fort Santiago. May be this was on the next day. I asked him where was my husband. He told me that my husband was far away and I could not see him. He told me that his whereabouts was a military secret and that he would have to wire the Emperor. He said that it will take 10 or 15 days for an answer. So I went home and waited for 15 days and went back again and saw the same man and he told me that he was sorry but he could not give me an answer because the Emperor said "No". He said it was a military secret. He said, "Don't come any more". On the 18th of April 1945, the Japanese gave me a package with my husband's suit, under-wear and everything, except his eye-glasses, even his fountain pen and everything, but not the eye-glasses.

Q Did you examine this package?
A Yes.

Q Did you look at his clothes?
A Yes.

Q What color was the suit?
A White.

Q Was it a coat and pants?
A It was a shirt and pants.

Q Can you further describe the clothing the Japanese returned you on April 18, 1945?
A One pair of white long pants, a tooth brush, a toothbrush, a white shirt and a coffee-colored shirt. There was two white shirt and one white pants and no coat.

Q Was there any dirt or blood on the clothing?
A No.

Q Was Mrs. Young, the wife of the Chinese Consul General, with you at the time you examined this package?
A Yes.

Q Were you present when Mrs. Young opened her package?
A Yes.

Q Do you know whether Dr. Young wore double-breasted white suits?
A Yes, he always wore double-breasted white suits.

Q Was a double-breasted white suit in the package that was returned to Mrs. Young?
A I did not take any notice what was in her package, but I think he always wore a double-breasted white suit.

Q Will you describe the personal appearance of Dr. Young?
A He was tall. He was about 148 or 150 pounds in weight.

Q How old was he?
A He was about 40 years.

Q Where was your family known in China?
A [illegible]

Q What is your family name?
A My family name was Ho. My family is of the royal clans in China. We are of the Manchu Dynasty.

Q Mrs. Ho, are you going to remain at this present address?
A Yes, but I am going to the United States in a month or two. My address there will be Care of Chinese Consulate, San Francisco, California.

Q Do you know the names of any of the Japanese who were at either the University of the Philippines or Fort Santiago or what Japanese military units were stationed there?
A I never knew the name of any of the Japanese soldiers. All I knew about the units was that they were Military Police.

Q I hand you Exhibit "B" and ask you who this was to.
A That was to Mr. [illegible].

Q Do you know what finally happened to your husband?
A I think my husband was killed.

Q Do you know what happened to Dr. Tsang and the rest of the Consulate Party?
A The same.

Q Have you had any news of your husband since you last visited Fort Santiago?
A No. I have heard rumors that he is alive and I have heard rumors that he is not. But one I know there is no more hope.

Q Do you know anything else about this matter which you think might be helpful to our investigation?
A I do not.

/s/ Mae Ho Lee
MAE HO LEE

SUBSCRIBED TO AND SWORN)
CITY OF BAGUIO)
BEFORE ME,)

I, Ray Le Roy, duly sworn on oath, state that the interpretation of the foregoing transcription of my interrogation had been read to me and all answers contained therein are true to the best of my knowledge and belief.

/s/ Ray Le Roy
RAY LE ROY

Subscribed and sworn to before me this 11 day of June 1948.

/s/ Fred L. Black
FRED L. BLACK
1st Lt., AGD

-7-

[redacted]

[redacted]

[redacted]

DEFENDANT

[illegible] to him, resulted on 23 June 1945, after having been duly sworn, testified as follows:

Q Were you present on the 11th day of June 1945 when eight bodies were disinterred from a mass grave in Section 7 of the Chinese Cemetery, Santa Cruz Island, Manila?
A Yes.

Q Did you examine the remains?
A Yes.

Q From your examination did you recognize anything that relonged to your husband?
A Yes, I recognized his tuxedo-coat eyeglasses. I also recognized the shape of the skull. It was my husband's.

Q Did he have those eyeglasses with him at Fort Santiago the last time you saw him?
A Yes.

Q Did you recognize any of Dr. Tsang's personal belongings?
A I recognized Dr. Tsang's white gold-rimmed eyeglasses.

Q Anything else?
A No more.

Q Did you recognize anything else as belonging to the others?
A Dr. Tsang's shoes.

Q How did you recognize them?
A I recognized Dr. Tsang's shoes because they had two holes in the back.

Q Did you recognize anything of Dr. Lee's personal belongings?
A I recognized his red pencil.

Q Did he have this with him at first carriage?
A Yes.

Q Did you recognize any of Dr. Yee's personal belongings?
A No.

Q Did you recognize any of Dr. Chan's, Dr. G. H. Tsang's or of Dr. Yee's personal belongings?
A No.

Q From your examination are you satisfied that your husband remains were among those removed from the common grave?
A Yes.

(S) [illegible]
(T) [illegible]

A [illegible]

[signature]

[redacted]

COMMONWEALTH OF THE PHILIPPINES)
CITY OF MANILA) ss.
I [redacted])

I, [redacted] by [redacted] of legal age, being duly sworn on oath, state that the interpretation of the foregoing transcription of my interrogation has been read to me and all answers contained therein are true to the best of my knowledge and belief.

/s/ [redacted]
/s/ [redacted]

Subscribed and sworn to before me this 14th day of June 1945.

/s/ [redacted]
/s/ [redacted]
1st Lt., JAGD

COMMONWEALTH OF THE PHILIPPINES)
CITY OF MANILA) ss.
I [redacted])

I, [redacted] a resident of the Chinese General Hospital, [redacted] nationality, [redacted], of legal age, being duly sworn on oath, state that I truly translated the questions asked and answers given and that after being transcribed, I truly translated the foregoing deposition containing [redacted] pages to the witness; that the witness thereupon in my presence affixed her signature thereto.

/s/ [redacted]
/s/ [redacted]
Interpreter

Subscribed and sworn to before me this 14 day of June 1945.

/s/ [redacted]
/s/ [redacted]

[redacted]

I, [redacted], 1st Lt., 0-[redacted], JAGD, certify that on 13 June 1945, personally appeared before me by [redacted] and according to Interpreter [redacted] gave the foregoing answers to the several questions set forth; that after her testimony had been transcribed, the same had been read to her by the interpreter and affixed her signature thereto in my presence.

Place: City of Manila
Philippines

/s/ [redacted]
/s/ [redacted]
1st Lt., JAGD

Date: 14 June 1945

A CERTIFIED TRUE COPY:

-s/-

[redacted]

Clerk to Officer [illegible]

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE
RECEIVED IMTFE 20.46
EXHIBIT NO. 3142

[redacted]

Mrs. Tom Ming Sims, sworn on 23 June 1945, after having been duly sworn, testified as follows:

Q Were you present on the 14th day of June 1945 when the premises of eight bottle were discovered from a search given in section 5 of the Chinese Assembly, Jamaica Plain District, Boston?
A Yes.

Q Did you examine the premises?
A Yes.

Q Did you recognize any of the personal belongings of any of the eight persons?
A Yes. I recognized my husband's silver tuxes in the shelf.

Q Was there anything else you recognized?
A I did not see any of the personal belongings.

Q Did you recognize any other things?
A I recognized the eyeglasses of Mrs. Tom and Mr. Ca Ca Tsung.

Q Did you recognize any of Mr. Tsung's personal belongings?
A I recognized the sun glasses of Mr. Tsung.

Q Did you recognize anything belonging to Mr. Lee?
A I would not.

Q Did you recognize any of Mr. Chan's?
A Yes. Mr. Chan's shoes, which were very unusual. He wore his shoes with holes but in the back.

Q Even your examination are you positive that the premises of your husband were among those taken from the premises?
A Yes.

Q Did you recognize anything else?
A I saw a small piece of silk underwear that looked like the kind that covered the seat to some.

Q Anything else?
A No.

/s/ Mrs. Tom Ming Sims
/s/ Mrs. Tom Ming Sims

COMMONWEALTH OF THE MASSACHUSETTS }
CITY OF BOSTON } ss.
X ---------- }

I, Mrs. Tom Ming Sims, of legal age, having been duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Mrs. Tom Ming Sims
/s/ Mrs. Tom Ming Sims

SUBSCRIBED AND SWORN:

[redacted]

[redacted]

[redacted] not sworn to before me this 16 day of June 1945.

/s/ Fred H. Black
/s/ FRED H. BLACK
1st Lt., JAGD

[redacted]

I, Fred H. Black, 1st Lt., 0-[redacted], JAGD, certify that on 15 June 1945, personally appeared before me Mrs. Tom Ming Chan, and gave the foregoing answers to the several questions set forth; that after her testimony had been transcribed, the said Mr. Tom Ming Chan read the same and affixed her signature thereto in my presence.

Place: City of Manila
Philippines

Date: 16 June 1945

/s/ Fred H. Black
/s/ FRED H. BLACK
1st Lt., JAGD

U. S. A. vs MASAHARU HONMA
PROSECUTION
DEFENSE
RECEIVED 18 JUN 1946 DOCUMENT No. 1223

[redacted]

...ore, Mrs. Fay Willis, testified on 15 June 1963, after having been duly sworn, testified as follows:

Q Were you present on the 11th day of June 1963 when eight bodies were discovered from a search group in section 9 of the Clinton Cemetery, Dade County, Florida.

A Yes.

Q Did you examine the vehicle?

A Yes.

Q From your examination did you recognize any of your husband's personal belongings?

A Yes. I recognized the sunglasses and the eyeglasses. The eyeglasses had a silver rim with a flower design.

Q Did he have those eyeglasses when you saw him at Fort Lauderdale, Tennessee, Sunday?

A Yes, he had the same the last time I saw him.

Q Have they got a description as large?
A It was a description of Mr. Dean Goodman.

Q Did he have this with him at Fort Lauderdale the last time you saw him?
A Yes, I had sent it to him.

Q Did you recognize anything belonging to Mr. Dodds?
A Yes, the eye glasses.

Q Did you recognize anything else as Mr. Dodds?
A. No.

Q Did you recognize anything of Mr. Chaney?
A No.

Q Anything of Mr. Dodd's?
A I didn't recognize the personal belongings of any of the others.

Q From your examination are you convinced that your husband's remains were among those removed?
A Yes.

/s/ Mrs. Fay Ellis Dodd
/s/ Mrs. Fay Ellis Dodd

STATE OF MISSISSIPPI)
)SS.
COUNTY OF NESHOBA)

I, Mrs. Fay Ellis Dodd, of legal age, having been duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Mrs. Fay Ellis Dodd
/s/ Mrs. Fay Ellis Dodd

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CLASSIFIED

witnessed and sworn to before me this 14 day of June 1945.

/s/ Fred [illegible], Clerk
/s/ Fred [illegible], CLERK
1st Lt., FAC

/s/ [illegible]

AFFIDAVIT

I, Fred [illegible], 1st Lt., [illegible], FAC, being duly sworn on 13 June 1945, personally appeared before me [illegible] and gave the foregoing answers to the interrogatories [illegible], and [illegible] that after her testimony had been transcribed, the said Mrs. [illegible] the same and affixed her signature thereto in my presence.

/s/ Fred [illegible], Clerk
/s/ [illegible], CLERK
1st Lt., FAC

Place: City of Manila
Philippines

Date: 14 June 1945

CERTIFIED TRUE COPY

/s/ [illegible]

U. S. A. vs MASAHARU HOSHINA
PROSECUTION
DEFENSE
EXHIBIT No. 394
RECEIVED 18 JUN 45

CLASSIFIED

[illegible]

subscribed and sworn to before me this 16 day of June 1945.

/s/ [illegible] . [illegible]
/s/ [illegible] V. [illegible]
1st Lt., [illegible]

AFFIDAVIT

I, [illegible], 1st Lt., [illegible], [illegible], hereby state on 15 June 1945, personally appeared before me Mrs. [illegible] who, and gave the foregoing answers to the several questions stated for; that after her testimony had been translated, the said Mrs. [illegible] read the same and affixed her signature thereto in my presence.

/s/ [illegible] . [illegible]
/s/ [illegible] V. [illegible]
1st Lt., [illegible]

Place: City of Manila, Philippines

Date: 16 June 1945

[illegible] [illegible]

[illegible]

U. S. A. vs MASANARU HOSHMA
PROSECUTION
DEFENSE
EXHIBIT No. 824
RECEIVED I.M.T. 21 JUN 46

-75-

[illegible]

A Alfonso Young after having been duly sworn testified as follows, to wit:

Q What is your name?
A Alfonso Young

Q How old are you?
A 20 years old.

Q Are you married?
A No, I am single.

Q Where do you live?
A I live at 315 Calumpang Street, Manila. I live opposite a restaurant there.

Q Are you in any relation to Mr. C. H. Young who was formerly a student nurse in the Philippine General Hospital in Manila?
A Yes, I am his brother.

Q What is your nationality?
A Chinese.

Q Do you believe in duty
A Yes.

Q Mr. Young is your brother
A Yes, also is my mother.

Q Did you ever see your brother, Mr. C. H. Young, while he was a prisoner of the Japanese at Fort Santiago, Intramuros, Manila?
A No, but I saw him several times when he was a prisoner at Villamor Hall, University of the Philippines, Manila.

Q Were you present on 31 June 1945 when Major Cortez administered from a window grave in Section 2 of the Japanese Cemetery at Santa Cruz District, Manila?
A Yes.

Q Did you examine the remains that were dug up that day?
A Yes.

Q Did you find any of the personal belongings of your brother, Mr. C. H. Young among those remains?
A Yes, several things.

Q Will you name and describe those articles?
A I found his cigarette holder. He always carried it with his eyeglasses, for he smoked many cigarettes. It was a marble holder. I found also his belt. It was a white leather belt with tracks of green at the top and the bottom. I saw his handkerchief. It had a Chinese engraving.

Q Did you recognize anything else?
A I could tell my brother's hand from the shape of his skull. Also there were six front teeth in the upper jaw. They were large and strong. They were always very prominent.

Q Did you recognize anything else among the remains?
A No, that is all I recognized.

/s/ Alfonso Young
/T/ Alfonso Young

[illegible]

[illegible])
[illegible]) ss.

I, Alfred Young, of lawful age, being duly sworn on oath, depose that I have read the foregoing transcription of interrogations and all answers contained therein are true to the best of my knowledge and belief.

/s/ Alfred Young
/s/ Alfred Young

Subscribed and sworn to before me this 11th day of June 1943.

/s/ Alf C. Wheeler
/s/ Alf C. Wheeler
Notary Public, Washington Territory
My Commission Expires June 30, 1945

CERTIFICATE

I, Alf C. Wheeler, Notary Public, do hereby certify that on 11 June 1943, personally appeared before me Alfred Young, and gave the foregoing answers to the several questions put thereto; that after the testimony had been transcribed, the said Alfred Young read the same and affixed his signature thereto in my presence.

/s/ Alf C. Wheeler
/s/ Alf C. Wheeler
Notary Public, Washington Territory
My Commission Expires June 30, 1945

Dated: 11 June 1943

CERTIFIED TRUE COPY

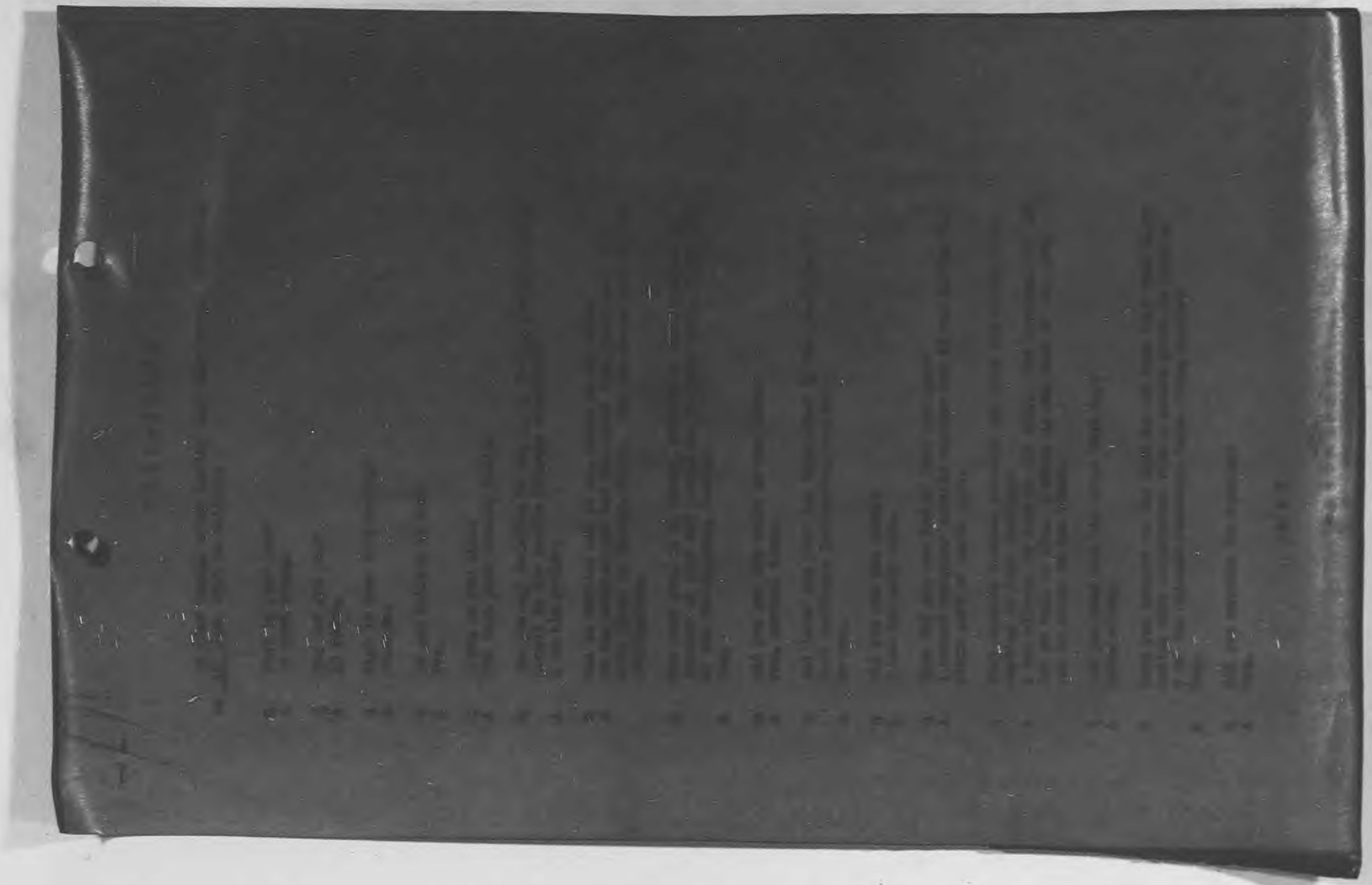
[illegible]

-45-

[illegible]

U. S. A. vs [illegible]
PROSECUTION
DEFENSE
RECEIVED 18 JUN 46

EXHIBIT No. 396



C

RESTRICTED

Mrs. Shirley Shao Tsang, recalled on 15 June 1945, after having been duly sworn, testified as follows:

Q Were you present on 14 June 1945 when eight bodies were disinterred from a common grave in Section 9 of the Chinese Cemetery, Sta. Cruz District, Manila?
A Yes.

Q Did you examine the remains?
A Yes.

Q From your examination did you recognize anything that belonged to your husband?
A Yes, I recognized one of his shoes and his belt.

Q Did you recognize the personal belongings of any other person?
A I recognized the sun glasses of Mr. C. K. Tsang.

Q Did you recognize anything else?
A I did not.

/s/ Mrs. Shirley Shao Tsang
/t/ MRS. SHIRLEY SHAO TSANG

COMMONWEALTH OF THE PHILIPPINES)
CITY OF MANILA) ss.
x - - - - - - - - - - - - - - - - - -)

I, Mrs. Shirley Shao Tsang, of legal age, having been duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Mrs. Shirley Shao Tsang
/t/ MRS. SHIRLEY SHAO TSANG

subscribed and sworn to before me this 16 day of June 1945.

/s/ Alf C. Watson
/t/ ALF C. WATSON
2nd Lt., JAGD

CERTIFICATE

I, Alf C. Watson, 2nd Lt., O-2058508, JAGD, certify that on 15 June 1945, personally appeared before me Mrs. Shirley Shao Tsang, and gave the foregoing answers to the personal questions set forth; that after her testimony had been transcribed, the said Mrs. Shirley Shao Tsang read the same and affixed her signature thereto in my presence.

/s/ Alf C. Watson
/t/ ALF C. WATSON
2nd Lt., JAGD

Place: City of Manila
Philippines

Date: 16 June 1945

CERTIFIED TRUE COPY

Douglas Ohlson 2nd Lt

U. S. A. vs MASAHARU HOMMA
PROSECUTION
DEFENSE EXHIBIT No. 392
RECEIVED 18 Jan 46

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RESTRICTED

Subscribed and sworn to before me this 18 day of June 1945.

/s/ Alf C. Watson
/t/ ALF C. WATSON
2nd Lt., JAGD

CERTIFICATE

I, Alf C. Watson, 2nd Lt., O-[illegible], JAGD, certify that on 18 June 1945, personally appeared before me in Chut Young and according to Interpreter Alfonso Young gave the foregoing answers to the general questions set forth; that after her testimony had been transcribed, the same was read to her by the interpreter and affiant had signature thereto in my presence.

/s/ Alf C. Watson
/t/ ALF C. WATSON
2nd Lt., JAGD

Place: City of Manila
Philippines

Date: 18 June 1945

CERTIFIED TRUE COPY:

Douglas Collins 2nd Lt.

U. S. A. vs MASAHARU HOMMA
PROSECUTION ✓
DEFENSE
EXHIBIT No. 396
RECEIVED 15 Oct. 46

SPECIAL MAP

Morrison Pt

Battery Pt

Rock Pt

CORREGIDOR BAY

MALINTA POINT

ENGINEER PT

ARTILLERY PT

INFANTRY PT

NORTH DOCK

LORCHA ROCK

MALINTA HILL

CAMP

San Jose

SOUTH DOCK

SAN JOSE PT

SAN JOSE BAY

CO

Cape Corregidor

Wheeler Pt

CORREGIDOR LT HO

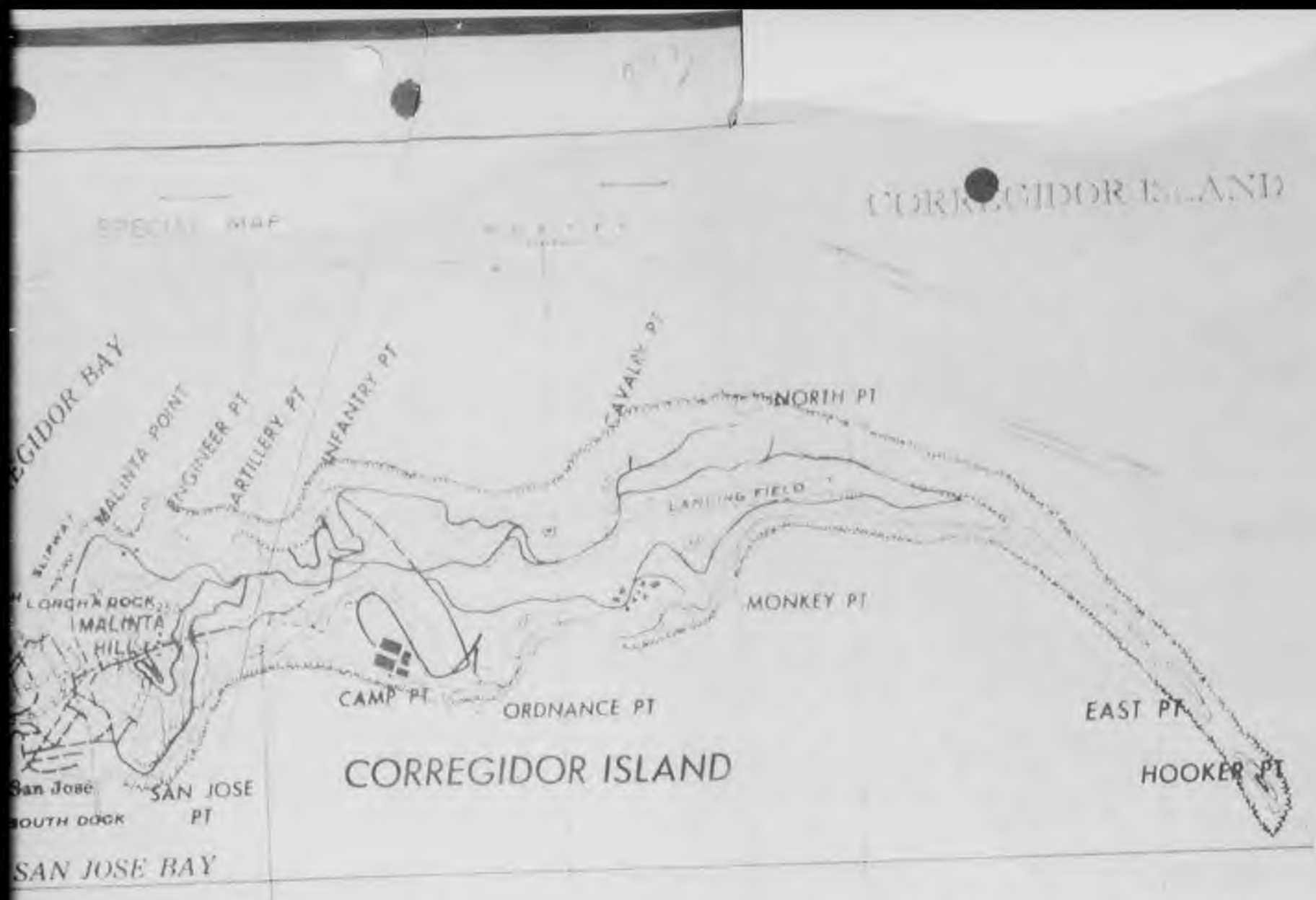
C A B

Searchlight Pt

Breakwater Pt

Geary Pt

S O U T H C



CABALLO ISLAND

SPECIAL MAP

Battery Pt

Morrison Pt

Rock Pt

CORREGIDOR BAY

SLIPWAY

MALINTA POINT

ENGINEER PT

ARTILLERY PT

INFANTRY

NORTH DOCK

LONDHA ROCK

MALINTA HILL

CAM

San Jose

SOUTH DOCK

SAN JOSE PT

CO

SAN JOSE BAY

Cape Corregidor

CORREGIDOR LT HO

Wheeler Pt

Searchlight Pt

Breakwater Pt

Geary Pt

C A B

S O U T H C

CONTOUR INTERVALS 50 FEET

NOTE OFFICERS USING THIS MAP WILL MARK HEREON CORRECTIONS
ADDITIONS WHICH COME TO THEIR ATTENTION AND MAIL DIR
TO CHIEF ENGR SIXTH U S ARMY APO 442

CORREGIDOR ISLAND

BAY

MALINTA POINT

ENGINEER PT

ARTILLERY PT

INFANTRY PT

CAVALRY PT

NORTH PT

LANDING FIELD

ROCK

MALINTA HILL

MONKEY PT

CAMP PT

ORDNANCE PT

EAST PT

SAN JOSE PT

CORREGIDOR ISLAND

HOOKER PT

OSE BAY

C A B A L L O B A Y

CABALLO ISLAND

T H C H A N N E L

REPRODUCED BY 670 ENGR TOP CO

CONTOUR INTERVAL 50 FEET

MAP WILL MARK HEREON CORRECTIONS AND
E TO THEIR ATTENTION AND MAIL DIRECT
ENGR SIXTH U S ARMY APO 442

CORREGIDOR ISLAND PHILIPPINE ISLANDS

398

SECRET

A CERTIFIED TRUE COPY

U. S. A. vs MASAHARU HOSHINA
PROSECUTION
DEFENSE
EXHIBIT No. 398
RECEIVED 15 JAN 46

UNITED NATIONS ARCHIVES	CAMERA OPERATOR'S REPORT AND CERTIFICATE	REEL NO. 84

PRODUCTION DATA	INDEXING DATA		CODE NO.
	PERIOD		
STARTED 28 Oct. 1988		United Nations War Crimes Commission (UNWCC) Member Governments, other National Authorities and Military Tribunals PAG-3/2.2. boxes 230-232	
FINISHED 2 Nov. 1988			
TOTAL NUMBER OF IMAGES 2270		Reports of Military Tribunals U.S. Military Courts War Crimes Trial Reports and Transcripts of Proceedings, Testimonies, Affidavits, Court Exhibits, Certificates and other Records of Trial Case Nos. 184 End of REEL 84	
APPROVED:			

CERTIFICATION

I certify that the micrographs appearing in this reel of film are true copies of the original records described above.

Date: 2 Nov. 1988

Signature of Camera Operator: Steven Tatum

RMS.45 (11-83)

REDUCTION

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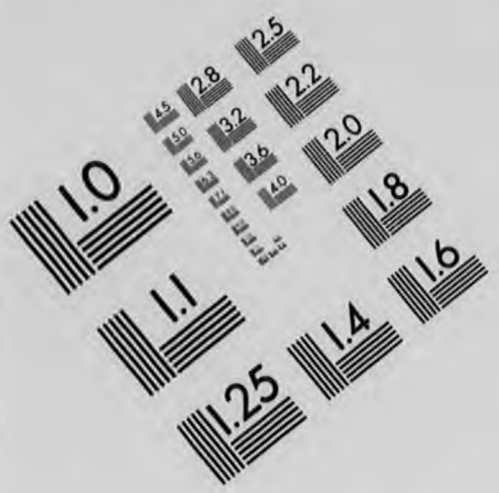


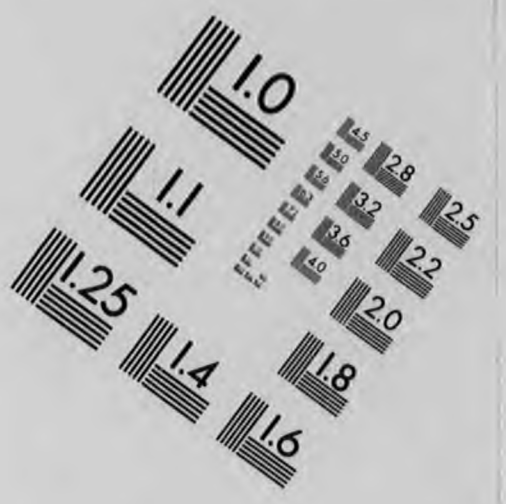
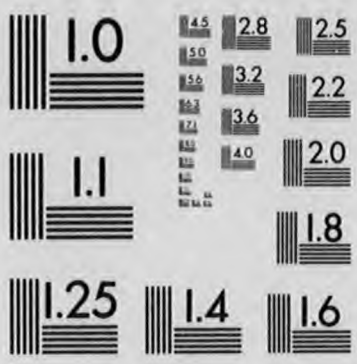
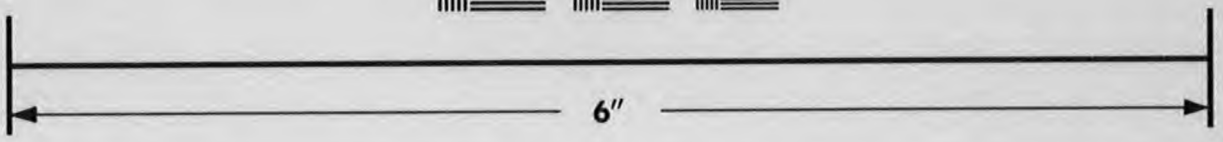
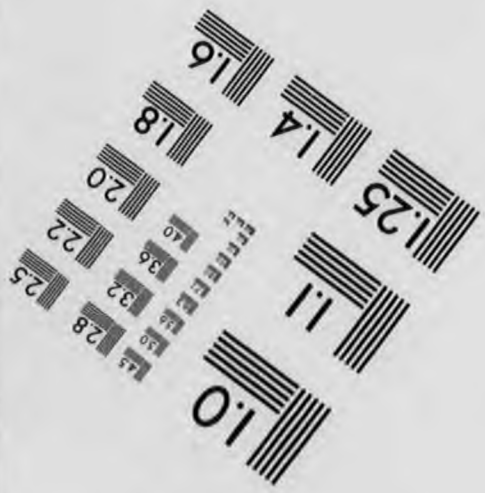
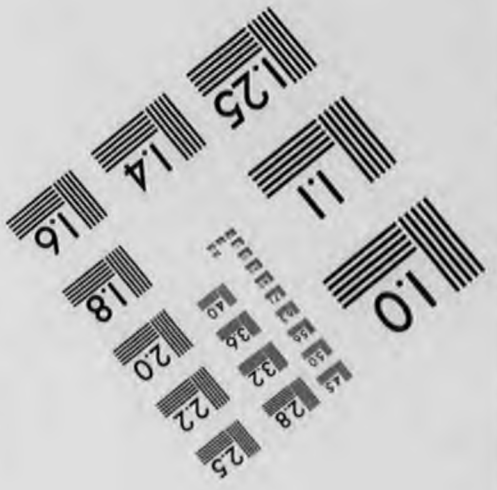


IMAGE EVALUATION TEST TARGET (MT-3)









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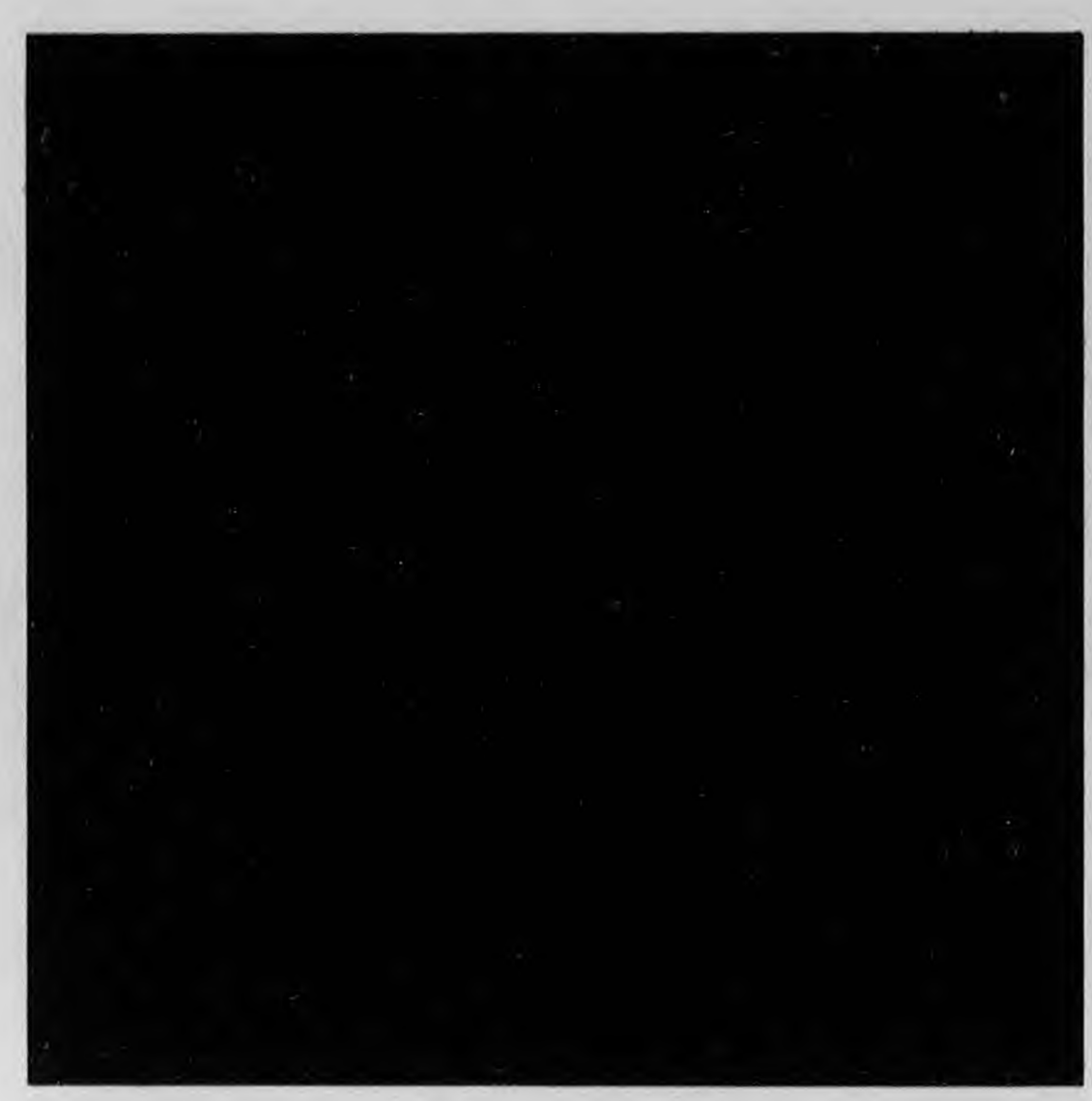

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